



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.04.2018

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

CRL.O.P.(MD)No.5412 of 2018

1.Thangaraja
2.Moorthi
3.Prabakaran
4.Iyyappan
5.Marimuthu
6.Thalavai @ Madasamy

.. Petitioners/Accused 1 to 3 and
5 & 7

Vs.

1.The Deputy Superintendent of Police,
Alangulam Division,
Tirunelveli District.

2.The Inspector of Police,
Pavoorchatram Police Station,
Tirunelveli District.
(Crime No.147 of 2018)

.. Respondents 1 & 2/Complainants.

3.Karuppasamy
4.Santhanakumari

...3rd Respondent/Defacto Complainant.
..4th Respondent/Injured.

Petition is filed under Section 482 of the Criminal Procedure Code to direct the II Additional district & Sessions Judge (Special Court for PCR Cases), Tirunelveli to consider the petitioners' bail application on the same day of their surrender in respect of Crime No. 147 of 2018 on the file of the 2nd respondent pending investigation.

For Petitioners : Mr.D.Venkatesh
For R1 and R2 : Mr.M.Chandrasekaran
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed seeking direction to the II Additional District & Sessions Judge (Special Court for PCR Cases), Tirunelveli to consider the petitioners' bail application on the same day of their surrender in respect of Crime No.147 of 2018, pending on the file of the second respondent.

2.According to the petitioners, the second respondent has registered a case in Crime Nos.147 of 2018 for the offence



punishable under Sections 147, 294(b), 323 and 506(ii) IPC r/w Section 4 of TNPHW Act and Section 3(1)(r), 3(2)(Va) of SC/ST (Prevention of Atrocities) Amendment Act, 2015 against the petitioners.

3.The learned Additional Public Prosecutor submitted that the respondents 3 and 4 have been discharged from the hospital on 09.04.2018 and 08.04.2018 respectively.

4.However, in view of the amendments made in the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, this Court is of the view that the usual directions that were issued by this Court cannot be issued routinely in all cases. Therefore, the petitioners are directed to surrender before the trial Court within a period of two weeks from the date of receipt of a copy of this order and on such surrender, the learned II Additional District & Sessions Judge (Special Court for PCR Cases), Tirunelveli shall deal with the matter on the same day on merits and in accordance with law, after issuing notice to the victims under Section 15 (A) of the SC/ST Act.

5.This Criminal Original Petition is disposed of with the above directions.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The II Additional District & Sessions Judge
(Special Court for PCR Cases), Tirunelveli
- 2.The Deputy Superintendent of Police,
Alangulam Division,
Tirunelveli District.
- 3.The Inspector of Police,
Pavoorchatram Police Station,
Tirunelveli District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

CRL.O.P. (MD) No.5412 of 2018
12.04.2018