

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :13.10.2020

CORAM:

THE HONOURABLE MR. JUSTICE R. PONGIAPPAN

Cr1.O.P.No.16283 of 2020

Ayyappan

.. Petitioner

Vs.

The State

Rep. by The Inspector of Police,  
Nellikuppam Police Station,  
Cuddalore District.  
Crime No.441 of 2019

.. Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the learned Special Judge, Trial of cases under SC/ST (PoA) Act, Cuddalore, to accept the surrender of petitioner and to consider the bail petition on the same day in respect to crime No.441 of 2019 on the file of the respondent police.

For Petitioner : Mr.S.C.Vishwanth

For Respondent : Mrs.M.Prabhavathi  
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed seeking direction to direct the Special Court under Scheduled Caste and Scheduled Tribes (PoA), Cuddalore to accept the surrender of the petitioner and to consider the petitioner's bail application on the same day in connection with crime No.441 of 2019 pending on the file of the respondent police.

2. Heard Mr.S.C.Vishwanth, learned counsel for the petitioner and Mrs.M.Prabhavathi, learned Additional Public Prosecutor for the respondent police.

3. The petitioner herein was arrayed as accused No.14 in Crime No.441 of 2019 pending on the file of the respondent police. Now considering the nature of offence committed by the petitioner, the above referred FIR has been registered for the offence punishable under Section 147, 148, 341, 294(b), 323, 324, 307, 506(2) read with section 3(1)(r), 3(1)(s), 3(2)(va) of

SC & ST (Prevention of Atrocities) Act, Section 4 of Prevention of Women Act, Section 3 of TN Public Property (Prevention of Damages and Loss) Act, 1992.

4. In the above referred offences, the offence under section 307 is heinous one. Further, for concluding the investigation in respect of the said offence, it is necessary to find out whether the accused have the knowledge or intends to commit the offence of murder. In the said circumstances, the same needs detailed investigation for which, custodian enquiry may be necessary. Therefore, the prayer sought for by the petitioner cannot be granted in usual manner.

5. Considering the facts and circumstances of the case and as of now, I am not inclined to allow this application.

6. With the above observation, this Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

nl

To

1.The Special Judge, Trial of cases under SC/ST (PoA) Act, Cuddalore,

2.The Inspector of Police,  
Nellikuppam Police Station,  
Cuddalore District.

3.The Public Prosecutor,  
High Court, Madras.

Cr1.O.P.No.16283 of 2020

AJS (CO)

RMP (10/11/2020)

WEB COPY