



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.05.2020

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.5321 of 2020

1.Ramalingam
2.Bala Guru
3.Amaravathi
4.Sethupathi

...Petitioner

Vs

1.The State, represented by its,
The Deputy Superintendent of Police,
Manamadurai,
Sivagangai District.

...1st Respondent/
Investigation Officer

2.The State Represented by its,
The Sub-Inspector of Police,
Palayanur Police Station,
Sivagangai District.
(Crime No.48 of 2020).

... 2nd Respondent/Complainant

3.Gowri Maharajan

... 3rd Respondent/Complainant

PRAYER: Criminal Original Petition is filed Under Section 482 of Criminal Procedure Code, to direct the Learned Sessions Judge, Special Court for Exclusive Trial of Cases under SC/ST (POA) Act, 1989, Sivagangai to consider the bail application of the petitioners on the very same day of their surrender and to release them on bail on the very same day itself, in connection with the FIR in Crime No.48 of 2020, on the file of the second respondent police.

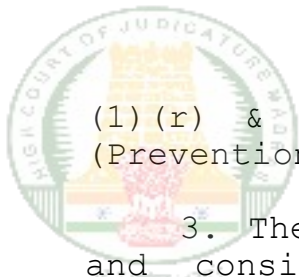
For Petitioner : Mr.M.S.Jeyakarthik

For Respondents 1 & 2 : Mr.A.Robinson,
Government Advocate (Crl.side)

ORDER

Heard the learned counsel on either side.

2. The petitioners herein are shown as accused in Cr.No.48 of 2020 registered on the file of the respondents 1 & 2 for the offences under Sections 294(b), 355 and 506(i) of IPC and Section 3



(1)(r) & 3(1)(s) of the Schedule Caste and the Schedule Tribes (Prevention of Atrocities) Amendment Act, 2015.

3. The petitioners seek the relief of permission to surrender and consideration of their bail petition on the same day. Considering the present times, notice to the third respondent is dispensed with.

4. The learned Government Advocate strongly opposed the prayer by pointing out that the first petitioner is having five previous cases and also one case under Section 302 of IPC.

5. Even though the objections raised by the Government Advocate are very strong and persuasive, on going through the contents of the FIR it is seen that the defacto complainant in the case on hand is the present Panchayat President while the first petitioner was the previous Panchayat President. The murder case is of the year 2005. The submission of the learned counsel for the petitioners is that the first petitioner had earlier given a complaint against the defacto complainant and the same was registered in Cr.No.47 of 2020 and that the case on hand is a counter blast.

6. Taking note of the over all circumstances, I am of the view that interest of justice will be served by permitting the petitioner to surrender before the Special Court within a period of eight weeks from the date of receipt of a copy of this order. The Special Judge is directed to dispose of the petitioners bail application on the same day of surrender. Since this direction will become infructuous, if the petitioners are arrested in the meanwhile, the respondents 1 & 2 are restrained from arresting the petitioners till the period of eight weeks set out above expires.

7. The learned counsel appearing for the petitioners gives an undertaking that the petitioners will not apply for any extension of time for surrender. In the event of favourably considering the bail petition, the learned Special Judge will take two common sureties for all the petitioners herein.

8. This Criminal Original Petition stands allowed on these terms. No costs.

Sd/-

Assistant Registrar (Crl.Side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



To

- 1.The Deputy Superintendent of Police,
Manamadurai,
Sivagangai District.
- 2.The Sub-Inspector of Police,
Palayanur Police Station,
Sivagangai District.
- 3.The Sessions Judge,
Special Court for Exclusive Trial of Cases
under SC/ST (POA) Act, 1989,
Sivagangai.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

CrI.O.P (MD) No.5321 of 2020
13.05.2020

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