



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

**DATED: 08.06.2020**

CORAM

**THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

**Crl.O.P(MD)No.5734 of 2020**

WEB COPY

1.Subash

2.Mani

3.Emesh

4.Esakki Muthu

5.Gopalakrishnan ... Petitioners/Accused Nos.1,3,4,5 & 7

Vs

1.The Deputy Superintendent of Police,  
Valliyoor Sub-Division,  
Tirunelveli District.

2.The Inspector of Police,  
Koodankulam Police Station,  
Tirunelveli District.  
[Crime No.114 of 2020]

... Respondents /complainant

3.Marimuthu ... Respondent/Defacto complainant

**Prayer:** Petition filed under Section 482 of the Criminal Procedure Code, to direct the learned II Additional District and Sessions Judge cum P.C.R.Court, Tirunelveli District to consider and dispose of the bail application to be filed by the petitioners on the same day of its filing on his surrender through virtual video mode in connection with the case in Crime No.114 of 2020 on the file of the Inspector of Police, Koodankulam Police Station, Tirunelveli District.

For Petitioners : Mr.R.Anand

For Respondent : Mr.K.K.Ramakrishnan,

Nos.1&2 Additional Public Prosecutor

**ORDER**

1.The petitioners are shown as accused Nos.1,3,4,5 and 7 in Crime No.114 of 2020 registered on the file of the Inspector of Police, Valliyoor Sub Division, Tirunelveli District, for the offence under Sections 147, 148, 341, 342, 323 and 506(II) of IPC and 3(1)(r), 3(1)(s), 3(2)(va) of SC/ST (POA) Act, 2015.



2.The learned Counsel for the petitioners submits that the case has been foisted as a counter case to the complaint lodged by one Murugan as against the defacto complainant and 14 others in Crime No.113 of 2020. These petitioners are said to have been assaulted by the complainant party on 24.04.2020, for which, the complaint was lodged by one Murugan. This complaint is foisted on 27.04.2020, to wreck vengeance the complainant is lodged against the defacto complainant and others.

3.The learned Additional Public Prosecutor on instructions submitted that the victim has sustained simple injury and has also been discharged from the hospital.

4.Heard Mr.R.Anand, learned Counsel for the petitioners and Mr.K.K.Ramakrishnan, learned Additional Public Prosecutor appearing for the State. Considering the the relief sought for in this petition and the present situation, the notice to the third respondent is dispensed with.

5.Considering the rival submissions and the complaint has been lodged as a counter complaint to Crime No.113 of 2020, the interest of justice will be served, permitting the petitioners to surrender as prayed for.

6.Accordingly, the petitioners are directed to surrender before the II Additional District and Sessions Judge /PCR Court, Tirunelveli within a period of six weeks from the date of receipt of a copy of this order. In the event of the petitioners surrender, the learned II Additional District and Sessions Judge / PCR Court, Tirunelveli shall consider their bail application on the same day on merits in accordance with law. The petitioners shall file surrender application three days prior to their date of surrender, so that the compliance as required under Section 15(A) of the SC/ST Act is complied with. In the meantime, if the petitioners are arrested the direction will become infructuous. Therefore, the respondent Police is restrained from arresting the petitioners for a period of six weeks.

7.This Criminal Original Petition is allowed on the above terms.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



To

1.II Additional District and Sessions Judge,  
Tirunelveli.

2.The Deputy Superintendent of Police,  
Valliyoor Sub-Division,  
Tirunelveli District.

3.The Inspector of Police,  
Koodankulam Police Station,  
Tirunelveli District.

4.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

**Crl.O.P(MD)No.5734 of 2020**

**08.06.2020**

SPU (11.06.2020) 3P-5C