



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.06.2020

CORAM

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CrI.O.P(MD)No.5899 of 2020

WEB COPY

1.S.Senthamarai

2.S.Shanthi

... Petitioners/Accused

Vs

1.The State rep. by,
The Inspector of Police,
Madhugapatti Police Station,
Sivagangai District.
(In Crime No.321 of 2020)

... 1st Respondent /
Complainant

2.M.Prabhu

...2nd Respondent/Defacto
Complainant

Prayer: Petition filed under Section 482 of the Criminal Procedure Code, to direct the learned Additional Sessions Judge designated Court for trial of cases of the schedule caste/Schedule Tribes Act, Sivagangai to consider the bail application of the petitioner's/accused filed by them on their surrender in connection with the crime No.321 of 2020 on the file of the Madhugapatti Police Station on the same day.

For Petitioners	:	Mr.E.Satish Rajkumkar
For Respondent	:	Mr.K.K.Ramakrishnan,
No.1		Additional Public Prosecutor

ORDER

The petitioners are shown as accused Nos.1 and 2, in crime No.321 of 2020 registered on the file of the Inspector of Police, Madhugapatti Police Station, Sivagangai District, for the offence under Sections 294(b) of IPC and r/w Sections 3(1)(r) and 3(1)(s) of the SC/ST (POA) Amendment Act, 2015.

2.The learned Counsel for the petitioners submits that the defacto complainant, took a pond for lease for fishery work, but used to take photos of women, who are all coming to the pond for taking bath and fetching the water. When the same was questioned by the petitioner, the defacto complainant threatened the petitioners/Accused to exhibit the photos through Social Media. Thereafter, one Rajaram had given a complaint against the defacto complainant on 08.05.2020 and C.S.R.No.153 of 2020 was also issued by the Respondent/Complainant. Triggered by the same, the defacto complainant has given a false complaint against the petitioners on



08.05.2020, as if the petitioners abused the defacto complainant, in filthy words.

3.The learned Additional Public Prosecutor,on instructions, submitted that no one has sustained injury.

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4.Heard Mr.E.Satish Rajkumar, learned Counsel appearing for the petitioners and Mr.K.K.Ramakrishnan, learned Additional Public Prosecutor appearing for the State. Considering the nature of relief sought for in this petition and the present situation, the notice to the second respondent is dispensed with.

5.Considering the rival submissions made on either side, 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 learned Additional Sessions Judge, designated Court for trial of cases of the schedule caste/Schedule Tribes Act, Sivagangai 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 Additional Sessions Judge, designated Court for trial of cases of the schedule caste/Schedule Tribes Act, Sivagangai shall consider their bail application on the same day on merits in accordance with law. The petitioners shall file their 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 (AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

vsg/vsd

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented

<https://hcservices.ecourts.gov.in/hcservices/>



is the correct copy, shall be
the responsibility of the advocate/litigant concerned.

To

- 1.The learned Additional Sessions Judge,
for trial of cases of the Schedule caste/Schedule Tribes Act,
Sivagangai.
- 2.The Inspector of Police,
Madhugapatti Police Station,
Sivagangai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P (MD)No.5899 of 2020
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AP(17/06/2020) 3P 4C