



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.06.2020

CORAM

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.O.P(MD)No.5754 of 2020

WEB COPY

- 1.Periyakaruppan
- 2.Kasi
- 3.Murugesan
- 4.Kumar

... Petitioners/
Accused Nos.1 to 4

Vs

- 1.The State represented by
The Deputy Superintendent of Police,
Ponnamaravathy, Pudukottai District.

- 2.The Inspector of Police,
K.Pudupatty Police Station,
Pudukottai District.
[Crime No.96 of 2020]

... Respondents /complainant

- 3.Saravanan

... Respondent/
Defacto complainant

Prayer: Petition filed under Section 482 of the Criminal Procedure Code, to direct the learned Special Court for PCR cases, Pudukottai to accept the surrender of the petitioners and to consider the petitioners' bail application on the same day in connection with Crime No.96 of 2020 on the file of the respondent police.

For Petitioners : Mr.K.Baalasundharam

For Respondent : Mr.K.K.Ramakrishnan,

Nos.1&2

Additional Public Prosecutor

ORDER

The petitioners are shown as accused Nos.1 to 4 in Crime No.96 of 2020 registered on the file of the Inspector of Police, K.Pudupatty Police Station, Pudukottai District, for the offence under Sections 147, 294(b) and 323 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 there is a dispute regarding pumping of water in a overhead water tank in Nattampatty village and on 28.04.2020 at about 5.00pm, when the petitioner No.3 Murugesan enquired about the dispute, the defacto complainant raised a problem and there arose a wordy quarrel between them. A compromise talk was also initiated. But, the defacto complainant to wreck vengeance has foisted this false complaint against the petitioners.



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.K.Baalasundharam, 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 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 Special Court for PCR cases, Pudukottai 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 Special Judge (PCR) Court, Pudukottai 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 (crl.side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

dsk

To

- 1.The learned Special Judge,
(PCR) Court, Pudukottai.
- 2.The Deputy Superintendent of Police,
Ponnamaravathy, Pudukottai District.
- 3.The Inspector of Police,
K.Pudupatty Police Station, Pudukottai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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KB(11.06.2020) 2P 5C

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