



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.06.2020

CORAM

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.O.P(MD)No.5777 of 2020

WEB COPY

S.Manikandan

... Petitioner/Solo Accused
Vs

1.The Deputy Superintendent of Police,
Sivagangai,
Sivagangai District.

2.The State represented by
The Inspector of Police,
Poovanthi Police Station,
Sivagangai District.
[Crime No.166 of 2020]

...Respondents / complainants

3.Sabarimalai

...Respondent No.3/
Defacto complainant

Prayer: Petition filed under Section 482 of the Criminal Procedure Code, to direct the learned Additional Sessions Judge (PCR Court), Sivagangai to accept the surrender of the petitioner and consider his bail application on the same day on merits in relating to Crime No.166 of 2020, dated 28.05.2020 on the file of the respondent Police.

For Petitioner : Mr.D.Rameshkumar

For Respondent : Mr.K.K.Ramakrishnan,
Nos.1&2 Additional Public Prosecutor

ORDER

The petitioner is the sole accused in crime No.166 of 2020 registered on the file of the Inspector of Police, Poovanthi Police Station, Sivagangai District, for the offence under Sections 294(b), 323 and 506(II) of IPC r/w Sections 3(1)(r)(s) of SC/ST (POA) Amendment Act, 2015.

2.The learned Counsel for the petitioner submits that there was a previous enmity between the petitioner and the defacto complainant. On the date of occurrence, both the petitioner and the defacto complainant came in two wheelers in the opposite direction and dashed each other. But, the petitioner has not committed any offence as stated as alleged in the complaint. In order to wreck vengeance, the present complaint has been foisted against this petitioner, as if the petitioner attacked the defacto complainant.



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.D.Rameshkumar, learned Counsel for the petitioner 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 petitioner to surrender as prayed for.

6.Accordingly, the petitioner is directed to surrender before the learned Additional Sessions Judge (PCR Court), Sivagangai within a period of six weeks from the date of receipt of a copy of this order. In the event of the petitioner surrenders, the learned Additional Sessions Judge (PCR Court), Sivagangai shall consider his bail application on the same day on merits in accordance with law. The petitioner shall file the surrender application three days prior to his 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 petitioner is arrested the direction will become infructuous. Therefore, the respondent Police is restrained from arresting the petitioner 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 Additional Sessions Judge (PCR Court),Sivagangai.
- 2.The Deputy Superintendent of Police,
Sivagangai,Sivagangai District.
- 3.The Inspector of Police,
Poovanthi Police Station, Sivagangai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

CrI.O.P(MD)No.5777 of 2020

09.06.2020

KB(11.06.2020) 2P 5C

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