



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.06.2020

CORAM

THE HONOURABLE MR. JUSTICE B. PUGALENDHI

Cr1.O.P(MD)No.5770 of 2020

WEB COPY

1.Kannadhasan

2.Gunasekaran

3.Balasubramaniam

... Petitioners

Vs

1.The Deputy Superintendent of Police,
Kulithalai Division,
Karur District.

2.The Inspector of Police,
Mayanoor Police Station,
Karur District.

...Respondents/ complainant

3.Krishnamoorthy

... Respondent No.3/
Defacto complainant

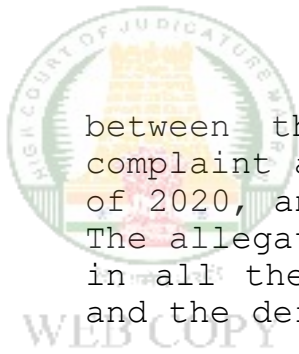
Prayer: Petition filed under Section 482 of the Criminal Procedure Code, to direct the learned Sessions Judge cum PCR Court, Karur to consider the bail petition on the same day filed by the petitioners in Crime No.313 of 2020, on the file of the second respondent for the offence under sections 294(b), 323, 506(1) of IPC r/w sections 3(1)(r), 3(1)(s), 3(2)(va) of the scheduled castes and the scheduled tribes (Prevention of Atrocities) Amendment Act, 2015

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

ORDER

The petitioners are shown as accused Nos.1 to 3, in crime No.313 of 2020 registered on the file of the Inspector of Police, Mayanoor Police Station, Karur District, for the offence under Sections 294(b), 323 and 506(I) of IPC r/w Sections 3(1)(r), 3(1)(s) and 3(2)(va) of SC/ST (POA) Amendment Act, 2015.

2.The learned Counsel for the petitioner submits that the defacto complainant has entered into the land of the petitioner and spoiled the cultivation, out of which, there was a motive existing



between the parties and this petitioner has earlier lodged a complaint and it was treated by the respondent Police in C.S.R.No.87 of 2020, and as a counter complaint, this complaint has been lodged. The allegations are baseless, since, under the Swatch Bharat Scheme, in all the houses toilets have been constructed by the Government and the defacto complainant is also having toilet in his house.

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

4.Heard Mr.S.Gokulraj, 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 petitioners are directed to surrender before the learned learned Sessions Judge (PCR Court), Karur 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 learned Sessions Judge (PCR Court), Karur 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 (crl.side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

dsk



To

1.The Sessions Judge
(PCR Court), Karur

2.The Deputy Superintendent of Police,
Kulithalai Division,
Karur District.

3.The Inspector of Police,
Mayanoor Police Station,
Karur District.

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

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KB(11.06.2020) 3P 5C