



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.06.2020

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CrI.O.P(MD)No.5778 of 2020

(*)Iyyappan @ Manikandan

... Petitioner/Accused No.1

Vs

1.The State represented by
The Deputy Superintendent of Police,
Srivaikundam,
Thoothukudi District.

2.The State represented by
The Inspector of Police,
Seidunganallur Police Station,
Thoothukudi District
[Crime No.96 of 2020]

...Respondent Nos.1 &2 / complainant

3.Sivaperumal

...Respondent No.3/Defacto complainant

4.Eliyas

... Respondent No.4 / Victim

Prayer: Petition filed under Section 438 of the Criminal Procedure Code, to direct the learned Principal District Judge, (PCR) Cases, Thoothukudi to accept the surrender and consider the bail petition to be filed by the petitioner in Crime No.96 of 2020 on the file of the respondent Police on the same day on merits.

For Petitioner : Mr.M.Murugesan,

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

ORDER

The petitioner is shown as accused No.1 crime No.96 of 2020 registered on the file of the Inspector of Police, Seidunganallur Police Station, Thoothukudi District, for the offence under Sections 294(b), 323, 506(II) of IPC r/w Sections 3(1)(r), 3(1)(s), 3(2)(va) 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. The petitioner has not committed any offence as stated in the FIR. Due to previous enmity, the petitioner has been implicated in this case. In order to wreck vengeance, the present complaint has been foisted against this petitioner.

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.M.Murugesan, 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 and fourth 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 Principal District Judge, (PCR) Cases, Thoothukudi 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 Principal District Judge, (PCR) Cases, Thoothukudi 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 (AD-II)

**(*) Amended as per order of this
Hon'ble Court dated 10.09.2020
in CRL MP(MD).4490 of 2020**

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



To
(*) to be substituted the order already despatched on 15/06/2020

- 1.The Principal District Judge,
(PCR) Cases, Thoothukudi.
- 2.The Deputy Superintendent of Police,
Srivaikundam,
Thoothukudi.
- 3.The Inspector of Police,
Seidunganallur Police Station,
Thoothukudi District
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P(MD)No.5778 of 2020
09.06.2020

SPU (12.06.2020) 3P-5C
TR (16.09.2020) 3P-5C