



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.06.2020

CORAM

THE HONOURABLE MR. JUSTICE B. PUGALENDHI

Cr1.O.P(MD)No.5818 of 2020

WEB COPY

1.Kabilan

2.Tamilarasan @ Tamilselvan

... Petitioners/Accused 2&3

Vs

1.The Deputy Superintendent of Police,

Theni,

Theni District.

...1st Respondent/Investigating
Officer

2.The State represented by,

The Inspector of Police,

Allinagaram Police Station,

Theni District.

(Crime No.936 of 2020)

...2nd Respondent/Complainant

3.Kaviyarasan

... 3rd Respondent/Defacto
Complainant

Prayer: Petition filed under Section 482 of the Criminal Procedure Code, to direct the PCR Court, Theni to consider the bail application of the petitioners on the same day of surrender and dispose the same on the same date on merits and in accordance with law in Crime No.936 of 2020.

For Petitioners

:

Mr.R.Maheswaran

For Respondent

:

Mr.K.K.Ramakrishnan,

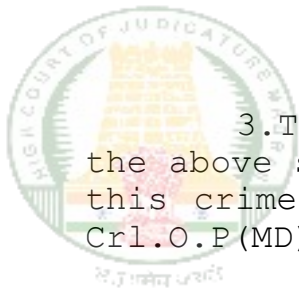
Nos.1&2

Additional Public Prosecutor

ORDER

The petitioners are shown as accused Nos.2 and 3, in crime No.936 of 2020 registered on the file of the Inspector of Police, Allinagaram Police Station, Theni District, for the offence under Sections 147, 341, 294(b), 323, 324 and 506(ii) of IPC and r/w Sections 3(1)(r), 3(1)(s) 3(2)(va) of the SC/ST (POA) Amendment Act, 2015.

2.When the matter is taken up for hearing, the learned Additional Public Prosecutor, on instructions, submits that the first petitioner Kablian was arrested and was enlarged on bail by the concerned trial Court. Therefore, learned counsel appearing for the petitioners not pressed this application insofar as the first petitioner is concerned.



3.The learned Counsel for the first petitioner in addition to the above submitted that the application of one of the co-accused in this crime for similar relief was also considered by this Court in Crl.O.P(MD)NO.5580 of 2020.

4.Heard Mr.R.Maheswaran, learned Counsel appearing 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 petitioner to surrender as prayed for.

6.Accordingly, the second petitioner is directed to surrender before the learned Special Judge, PCR Court, Theni within a period of six weeks from the date of receipt of a copy of this order. In the event of the second petitioner surrenders, learned Special Judge, PCR Court, Theni shall consider the bail application on the same day on merits in accordance with law. The second petitioner 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 second petitioner is arrested the direction will become infructuous. Therefore, the respondent Police is restrained from arresting the second petitioners for a period of six weeks.

7.This Criminal Original Petition is allowed on the above terms insofar as the second petitioner is concerned and this petition is dismissed as not pressed insofar as the first petitioner is concerned.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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

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



To

- 1.The Special Judge, PCR Court,
Theni District.
- 2.The Deputy Superintendent of Police,
Theni,
Theni District.
- 3.The Inspector of Police,
Allinagaram Police Station,
Theni District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P(MD)No.5818 of 2020
10.06.2020

AP(17/06/2020) 3P 5C