



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.06.2020

CORAM

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Cr1.O.P(MD)No.5841 of 2020

WEB COPY

Vairavapandi

... Petitioner/Accused No.5

Vs

1.The State rep., by,
The Deputy Superintendent of Police,
Usilampatti,
Madurai District.

2.The State represented by,
The Inspector of Police,
Chekkanurani Police Station,
Madurai District.
(Crime No.819 of 2020)

...Respondent Nos.1 and 2/
complainant

3.Sivaraja

... 3rd Respondent/
Defacto complainant

4.Jeyaraman

... 4th Respondent/victim

Prayer: Petition filed under Section 482 of the Criminal Procedure Code, to direct the learned III Additional Principal District and Sessions Judge (PCR) Cases, Madurai, to accept the surrender and consider the bail petition to be filed by the petitioner in Crime No.819 of 2020 on the file of the respondent Police on the same day on merits.

For Petitioner : Mrs.P.Krishnaveni
For Respondent : Mr.K.K.Ramakrishnan,
Nos.1&2 Additional Public Prosecutor

ORDER

The petitioner is shown as accused No.5, in crime No.819 of 2020 registered on the file of the Inspector of Police, Chekkanurani Police Station, Madurai District, for the offence under Sections 147, 148, 294(b), 324 and 506 (ii) of IPC r/w Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the SC/ST (POA) Amendment Act, 1989.

2.The learned Counsel for the petitioner submitted that no such occurrence has taken place as alleged by the complainant in the complaint and the petitioner has never used any such abusive language. The petition 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 hospital.

4.Heard Mrs.P.Krishnaveni, learned Counsel appearing for the petitioner and Mr.K.K.Ramakrishnan, learned Additional Public Prosecutor appearing for the State. Considering the relief sought for in this petition and the present situation, 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 III Additional District and Sessions Judge (PCR) Cases, Madurai, within a period of six weeks from the date of receipt of a copy of this order. In the event of the petitioner's surrender, the learned III Additional District and Sessions Judge (PCR) Cases, Madurai, shall consider his bail application on the same day on merits in accordance with law. The petitioner shall file his 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 (Records)

// 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.



To

- 1.The III Additional District
and Sessions Judge (PCR) Cases,
Madurai .
- 2.The Deputy Superintendent of Police,
Usilampatti,
Madurai District.
- 3.The Inspector of Police,
Chekkanurani Police Station,
Madurai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P(MD)No.5841 of 2020

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VB (17.06.2020) 3P 5C