



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.06.2020

CORAM

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.O.P(MD)No.5868 of 2020

WEB COPY

Rahul

...Petitioner/Accused No.2

Vs

1.The State rep., by,
The Deputy Superintendent of Police,
Thiruvidadaimaruthur Sub Division,
Thanjavur District.

2.The Inspector of Police,
Panthanallur Police Station,
Thanjavur District.
(Crime No.646 of 2020)

...Respondent Nos.1 and 2/
complainants

3.Jeevanantham

... 3rd Respondent/
Defacto complainant

Prayer: Petition filed under Section 482 of the Criminal Procedure Code, to direct the learned Special Court for PCR Cases, Thanjavur to accept the surrender of the petitioner and to consider the petitioner's bail application on the same day in connection with Crime No.646 of 2020 on the file of the respondent Police.

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

ORDER

The petitioner is shown as accused No.2, in crime No.646 of 2020 registered on the file of the Inspector of Police, Panthanallur Police Station, Thanjavur, for the offence under Sections 147, 148, 294(b), 324 and 506(ii) of IPC and 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 submits that this complaint has been filed as a counter complaint in Crime No.645 of 20120, which has been registered against the defacto complainant and others for the major offence under Section 307 IPC.



3.The learned Additional Public Prosecutor, on instructions, submitted that the victim has sustained simple injury and has also been discharged from hospital and other accused, who have been arrested were also enlarged on bail by the trial Court.

4.Heard Mr.M.Karunanithi, learned Counsel appearing 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 Special Judge, PCR Court, Thanjavur, within a period of six weeks from the date of receipt of a copy of this order. In the event of the petitioner surrender, the learned Special Judge, PCR Court, Thanjavur, 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

// 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 learned Special Court for PCR Cases,
Thanjavur.

2.The Deputy Superintendent of Police,
Thiruvidaimaruthur Sub Division,
Thanjavur District.

3.The Inspector of Police,
Panthanallur Police Station,
Thanjavur District..

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

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