



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.06.2020

CORAM

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Cr1.O.P(MD)No.5870 of 2020

WEB COPY

1.G.Veeramani

2.P.Sivakumar @ Panchukumar

3.R.Balakrishnan

... Petitioners/Accused 1,2 &3

Vs

1.The Deputy Superintendent of Police,
Orathanadu Division,
Thiruvarur District.

2.The Inspector of Police,
Orathanadu Police Station,
Thanjavur District.
(Crime No.1003 of 2020)

...2nd Respondent/complainant

3.Annadurai

... 3rd Respondent/Defacto
complainant/victim

Prayer: Petition filed under Section 482 of the Criminal Procedure Code, to direct the 1st Additional District and Sessions Judge (PCR) Court, Thanjavur to consider the bail application to be filed by the petitioners on the same day on their surrender in connection with Crime No.1003 of 2020 on the file of the second respondent.

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

ORDER

The petitioners are shown as accused Nos.1, 2 and 3, in crime No.1003 of 2020 registered on the file of the Inspector of Police, Orathanadu Police Station, Thanjavur District, for the offence under Sections 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 petitioners submits the allegations levelled against these petitioners are not all true, but are framed one. It is alleged that the petitioners attacked the defacto complainant with weapons, but, there is no external injury on the defacto complainant. This complaint has been foisted against these petitioners.



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.Venkatesan, 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 petitioners are directed to surrender before the learned 1st Additional District and Sessions 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 petitioners surrender, the learned 1st Additional District and Sessions Judge (PCR) Court, Thanjavur District 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 (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 1st Additional District and Sessions Judge (PCR) Court,
Thanjavur District.
- 2.The Deputy Superintendent of Police,
Orathanadu Division,
Thiruvarur District.
- 3.The Inspector of Police,
Orathanadu Police Station,
Thanjavur District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P(MD)No.5870 of 2020
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AP(17/06/2020) 3P 5C