



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.06.2020

CORAM

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.O.P(MD)No.5988 of 2020

WEB COPY

Suresh

... Petitioner/Accused 2

Vs

1.The Deputy Superintendent of Police,
Thiruvadanai,
Ramanathapuram District.

2.The Inspector of Police,
Thirupalaikudi Police Station,
Ramanathapuram District.
(Crime No.180 of 2020)

... Respondent Nos.1 and 2 /
Complainants

3.Shellapandi

... Respondent No.3/
Defacto complainant

Prayer: Petition filed under Section 482 of the Criminal Procedure Code, to direct the learned Principal District and Sessions Court (Special Court for Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, Ramanathapuram, Ramanathapuram District, to accept the surrender of the petitioner/Accused and consider petitioner bail application and grant bail on the date of surrender itself in Crime No.180 of 2020 on the file of the Respondent No.2 Police.

For Petitioner : Mr.D.Balamurugapandi

For Respondent : Mr.K.K.Ramakrishnan,

Nos.1 & 2 Additional Public Prosecutor

ORDER

The petitioner is shown as accused No.2, in crime No.180 of 2020 on the file of the Inspector of Police, Thirupalaikudi Police Station, Ramanathapuram District for the offence under Sections 341, 323 and 324 of IPC r/w Sections 3(1)(r) and 3(1)(s) of the SC/ST (POA) Amendment Act, 2015.

2.The learned counsel appearing for the petitioner submits that due to previous enmity, the defacto complaint has given a false complainant that the petitioner and his assailants have waylaid, abused in filthy language and attacked him, based on which, a case was registered by the respondent Police.



3. The learned Additional Public Prosecutor, on instructions, submitted that the occurrence took place on 22.05.2020 and the victim was also admitted in the Hospital, on the same day. He further submitted that the victim was discharged from the Hospital on 23.05.2020 and that the injury was simple in nature.

4. Heard Mr.D.Balamurugapandi, 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, 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 Principal District and Sessions Judge, (Special Court for Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, Ramanathapuram, Ramanathapuram District, 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 Principal District and Sessions Court (Special Court for Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, Ramanathapuram, Ramanathapuram District, 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/-

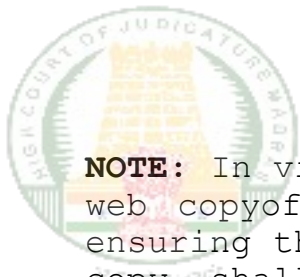
Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

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.

WEB COPY

To

- 1.The Principal District
and Sessions Court
(Special Court for Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act, 1989,
Ramanathapuram,
Ramanathapuram District,
- 2.The Deputy Superintendent of Police,
Thiruvadanai,
Ramanathapuram District.
- 3.The Inspector of Police,
Thirupalaikudi Police Station,
Ramanathapuram District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P(MD)No.5988 of 2020

11.06.2020

VB (17.06.2020) 3P 5C