



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.06.2020

CORAM

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Cr1.OP.(MD)No.5941 of 2020

1.Saravanan
2.Prabhu Deva

... Petitioners

Vs.

1.State through
The Deputy Superintendent of Police,
Sivagangai,
Sivagangai District.
2.The Inspector of Police,
Sivagangai Town Police Station,
Sivagangai District.
Crime No.741 of 2020
3.Bakiyalakshmi
4.Barkavi

... Respondents

Prayer: Petition filed under Section 482 of the Criminal Procedure Code seeking a direction to the learned Sessions Judge, Special Court for Exclusive trial of cases under SC / ST [POA] Act, Sivagangai, to consider the bail application of the petitioners / accused on the same day in Crime No.741 of 2020 on the file of the respondent Police, on the same day of their surrender.

For Petitioners : Mr.P.Venkata Subramanian

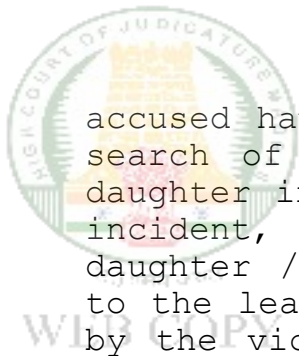
For R.1 & R.2 : Mr.K.K.Ramakrishnan,
Additional Public Prosecutor

O R D E R

The petitioners are arrayed as accused in Crime No.741 of 2020, on the file of the Sivagangai Town Police Station, Sivagangai, registered for the offence punishable under Sections 294(b), 452, 324, 506(ii) IPC; Section 4 of TNPWH Act, 2002; and Sections 3(1)(r) & 3(1)(s) of SC / ST (POA) Act. The case in Crime No.741 of 2020 was registered at the instance of the third respondent herein and the petitioners / accused have filed this petition seeking a direction to the learned Judge, Special Court for trying the cases under SC / ST (POA) Act, to consider their bail application on the same day of their surrender.

2. The learned Counsel for the petitioners would submit that due to some previous enmity, the defacto complainant has lodged a false case as if they attacked her. He would further submit that the petitioners are innocents and have nothing to do with the offence alleged by the prosecution and prays for allowing this petition.

3. Mr.K.K.Ramakrishnan, learned Additional Public Prosecutor takes notice for respondents 1 & 2 and strongly opposed this petition. He would submit that on 24.05.2020, at about 08.35 pm, the



accused have entered into the house of the defacto complainant, in search of her son, namely, Babu; abused the complainant and her daughter in filthy words and attacked them with Aruval. In the said incident, the defacto complainant / third respondent and her daughter / fourth respondent sustained several injuries. According to the learned Additional Public Prosecutor, the injuries sustained by the victim / fourth respondent are grievous in nature and she took treatment as an inpatient for nearly about 16 days and was discharged only on 11.06.2020.

4. Heard the learned Counsel for the petitioners and the learned Additional Public Prosecutor appearing for the State. Notice to respondents 3 & 4 is dispensed with.

5. Considering the facts and circumstances of the case and the nature of injury sustained by the victim and that she was discharged from the Hospital only on 11.06.2020, this Court is not inclined to entertain this petition at this juncture. Accordingly, this criminal original petition is dismissed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

- 1.The Sessions Judge,
Special court for exclusive trial of cases under SC/ST (POA) Act,
Sivagangai
- 2.The Deputy Superintendent of Police,
Sivagangai,
Sivagangai District.
- 3.The Inspector of Police,
Sivagangai Town Police Station,
Sivagangai District.
- 4.Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai

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KB(23.06.2020) 2P 5C