



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.06.2020 CORAM

**THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

**Crl.O.P(MD)No.6028 of 2020**

WEB COPY

1.Santhosh Kumar  
2.Arun Kumar  
3.Dinesh @ Dinesh Kumar  
4.Dinesh @ Thinesh Kumar  
5.Muthu Kumar ... Petitioners / Accused 1 to 5

Vs

1.The State rep. by,  
The Deputy Superintendent of Police,  
Sankarankoil Division,  
Tenkasi District. ... 1<sup>st</sup> Respondent /  
Investigating Officer  
2.The Inspector of Police,  
Karivalam Vantha Nallur Police Station,  
Tenkasi District. ... 2<sup>nd</sup> Respondent/  
Complainant  
3.Mariselvam ... 3<sup>rd</sup> Respondent/  
Defacto Complainant

**Prayer:** Petition filed under Section 482 of the Criminal Procedure Code, to direct the II Additional District and Sessions Judge (Special Court for PCR Cases), Tirunelveli to consider petitioners bail application on the same day of their surrender in respect of Crime No.168 of 2020 on the file of the second respondent, pending investigation.

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

**ORDER**

The petitioners are shown as accused Nos.1 to 5, in crime No.168 of 2020 registered on the file of the Inspector of Police, Karivalam Vantha Nallur Police Station, Tenkasi District, for the offence under Sections 147, 294(b) and 506(i) of IPC r/w Sections 3 (2) (r) and 3(1) (va) of the SC/ST (POA) Amendment Act, 2015.

2.The learned Counsel for the petitioners submits that this is a case and counter. In fact, the first petitioner along with the



second petitioner came to occurrence place for purchase and at that time, the third respondent and his associates picked up a quarrel with them by using filthy language and also beaten and threatened them with dire consequences. Based on the complaint given by the first petitioner, the second respondent registered a case against the third respondent and others in Crime No.169 of 2020 for the offence punishable under Sections 294(b), 355, 323, 324 and 506(ii) of IPC.

3.The learned Additional Public Prosecutor, on instructions, submitted that the victim was treated as an out patient and that the injury was a simple injury.

4.Heard Mr.D.Venkatesh, learned Counsel appearing for the petitioners 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, 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 petitioners to surrender as prayed for.

6.Accordingly, the petitioners are directed to surrender before the learned II Additional District and Sessions Judge (Special Court for PCR Cases), Tirunelveli 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 II Additional District and Sessions Judge (Special Court for PCR Cases), Tirunelveli 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 ( )

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



**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 II Additional District  
and Sessions Judge,  
(Special Court for PCR Cases),  
Tirunelveli.
- 2.The Deputy Superintendent of Police,  
Sankarankoil Division,  
Tenkasi District.
- 3.The Inspector of Police,  
Karivalam Vantha Nallur Police Station,  
Tenkasi District.
- 4.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.

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SDS (17.06.2020) 3P-5C