



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.06.2020

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THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CrI.O.P(MD)No.6517 of 2020

(*)Ajithkumar @ Ajith @ Antony ... Petitioner /Accused No.2

Vs

1.The Deputy Superintendent of Police,
Nagercoil,
Kanyakumari District.

2. Inspector of Police,
Aralvoimozhi Police Station,
Kanyakumari District.

(in Crime No.363 of 2020) ... Respondents 1 &2 / Complainants

3. Malini ...Respondent-3/Defacto complainant

Prayer: Petition filed under Section 482 of the Criminal Procedure Code, to direct the learned Judge, II Additional District (PCR Cases), Tirunelveli, Tirunelveli District, to consider the petitioner's bail application on the same day on merits in the event of his surrender in connection with Crime No.363 of 2020 on the file of the 2nd respondent Police.

For Petitioner : Mr.S.Vinodh

For Respondents : Mr.K.K.Ramakrishnan,

Nos.1&2 Additional Public Prosecutor

ORDER

The petitioner is shown as accused No.2, in crime No.363 of 2020 registered on the file of the Inspector of Police, Aralvoimozhi Police Station, Kanyakumari District, for the offence under Sections 294(b), 506(ii) IPC and 4 of Women Harassment Act 2002 and Sections 3(1)(r), 3(1)(s) of the SC/ST (POA) Amendment Act, 2015.

2. The learned Counsel for the petitioner submits that the petitioner is the friend of one Yesudas who married the daughter of the de-facto complainant and the petitioner is in no way connected with the alleged occurrence and a false complaint has been given



against the petitioner.

3.The learned Additional Public Prosecutor, on instructions, submitted that this petitioner along with his brother helped the other accused to marry the daughter of the de-facto complainant. He further submitted that no one sustained injury in the alleged occurrence.

4.Heard Mr.S.Vinodh, learned Counsel appearing for the petitioner and Mr.K.K.Ramakrishnan, learned Additional Public Prosecutor appearing for the State. Considering the nature of relief sought for in this petition and the present situation, notice to the 3rd 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 Judge, II Additional District Court cum PCR Court, Tirunelveli District, within a period of six weeks from the date of receipt of a copy of this order. In the event the petitioner surrenders, the learned Judge, II Additional District Court cum PCR Court, Tirunelveli District, shall consider his bail application on the same day on merits in accordance with law. The learned Judge shall also consider the submission made by the learned Additional Public Prosecutor that there is a tension prevailing in the village, while considering the bail application filed by the petitioner. 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)

**(*)Amended as per order of this
Hon'ble Court dated 03.08.2020**

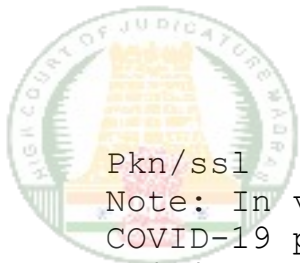
Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



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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

(*)To be substituted the order already despatched on 26.06.2020

- 1.The Additional District and Sessions Judge,
The II Additional District Court(PCR Cases),
Tirunelveli, Tirunelveli District.
- 2.The Deputy Superintendent of Police,
Nagercoil,
Kanyakumari District.
3. Inspector of Police,
Aralvoimozhi Police Station,
Kanyakumari District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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23.06.2020

NR (25.06.2020) 3P 5C
SMA/17/08/2020/3P/5C - amended