



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.06.2020

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.O.P.(MD)No.6279 of 2020

Kallathiyan

... Petitioner/Accused

Vs

1.The State represented by its,
The Deputy Superintendent of Police,
Thalaiyuthu Sub Division,
Tirunelveli District.

... 1st Respondent /
Investigating Officer

2.The State represented by its,
The Inspector of Police,
Tirunelveli Taluk Police Station,
Tirunelveli District.
(Crime No.209 of 2020)

... 2nd Respondent /Complainant

3.Ramakrishnan

... 3rd Respondent /
Defacto Complainant

4.Rajkumar

... 4th Respondent / Injured

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to direct the learned second Additional District and Sessions Court (PCR Court), Tirunelveli to consider the bail application of the petitioner on the very same day of his surrender in connection with FIR in Crime No.209 of 2020 on the file of the second respondent police and to release the petitioner on bail on the very same day itself.

For Petitioner : Mr.M.S.Jeyakarthish

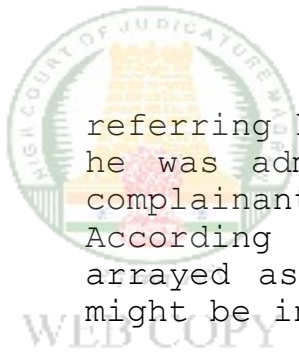
For R1 & R2 : Mr.K.K.Ramakrishnan

Additional Public Prosecutor

ORDER

The petitioner is shown as an accused in Crime No.209 of 2020 registered on the file of the Inspector of Police, Tirunelveli Taluk Police Station, Tirunelveli District, for the offences under Sections 147, 148, 341, 294(b), 324 and 506(ii) of IPC and Section 3 (1)(r), 3(1)(s) and 3(2)(va) of the Scheduled Caste and the Scheduled Tribes (POA) Act, 2015.

2.The learned counsel for the petitioner submits that on 24.05.2020, the respondents 3 and 4 along with their friend namely Suriya went to a hotel by bike. At that time, the accused persons waylaid the defacto complainant and his friends and abused him by



referring his community and said to have attacked him. As a result, he was admitted to the Hospital and in this regard, the defacto complainant lodged a complaint as against the petitioner and others. According to the learned counsel for the petitioner, he is not arrayed as an accused in the FIR. But, apprehending that his name might be included in the case, he has moved this petition.

3. According to the learned Additional Public Prosecutor, the injured victim was admitted as an in-patient on 24.05.2020 and was also discharged from the Hospital on 24.05.2020. He further submitted that the injury sustained by the victim is also simple in nature.

4. Heard, Mr.M.S.Jeyakarthik, learned counsel for the petitioner 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 respondents 3 and 4 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 II Additional District and Sessions Court (PCR Court), Tirunelveli, within a period of six weeks from the date of receipt of a copy of this order. In the event of the petitioner's surrender, the learned II Additional District and Sessions Court (PCR Court), Tirunelveli, shall consider his bail application on the same day on merits in accordance with law. The petitioner shall file 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 mean time, 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/-

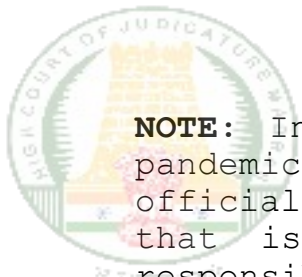
Assistant Registrar (Crl.side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

rmi/vs



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.II Additional District and Sessions Court (PCR Court),
Tirunelveli.

2.The Deputy Superintendent of Police,
Thalaisyuthu Sub Division,
Tirunelveli District.

3.The Inspector of Police,
Tirunelveli Taluk Police Station,
Tirunelveli District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P (MD)No.6279 of 2020
17.06.2020

sma/19/06/2020/3p/5c