



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.06.2020

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CrI.O.P (MD)No.6280 of 2020

WEB COPY

1.Sudhakar

2.P.Karuppaiah

3.Prabhu

4.Ragul Gandhi

5.A.Palkannan

... Petitioners/Accused

Vs

1.The Deputy Superintendent of Police,
Peraiyur Police Station (Circle),
Madurai District.

2.The Inspector of Police,
Sedapatty Police Station,
Madurai District,
In Crime No.733 of 2020.

... Respondents/
Complainant

3.Periyakaruppan

... 3rd Respondent /
Defacto Complainant

4.Prabhu

... 4th Respondent /
Injured.

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to permit the petitioners to surrender before the learned III Additional District Judge / PCR Court, Madurai in connection with Crime No.733 of 2020 on the file of the respondent police and file an application for the grant of bail on the same day and in the event of filing the same, the said application may be directed to be considered on the same day on merits and in accordance with law forthwith.

For Petitioners : Mr.M.Jegadeesh Pandian

For R1 & R2 : Mr.K.K.Ramakrishnan
Additional Public Prosecutor



ORDER

The petitioners are shown as accused in Crime No.733 of 2020 registered on the file of the Inspector of Police, Sedapatty Police Station, Maduarai District, for the offences under Sections 147, 148, 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 case of the prosecution is that on 23.05.2020, while the defacto complainant was present near the house of accused No.1, he abused the defacto complainant by referring his community and assaulted him by using aruval. As a result, the fourth respondent sustained injury. In this regard, a case was originally registered as against 8 named persons and others.

3. According to the learned Counsel for the petitioner, though no specific overtact was available as against the petitioners, on the confession statement of the other accused, they were roped in by the first respondent.

4.The learned Additional Public Prosecutor submits that the victim in this case sustained a simple injury and has also been discharged from the Hospital. He further submitted that the other co-accused namely A1, A2, A3 and A5 have filed a criminal original petition before this Court for a similar direction in Crl.OP.(MD) No.5624 of 2020 and the same was also allowed by this Court on 02.06.2020 in favour of the accused.

5.Heard, Mr.M.Jegadeesh Pandian, learned counsel 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 respondents 3 and 4 is dispensed with.

6.Considering the rival submissions made on either side, the interest of justice will be served permitting the petitioners to surrender as prayed for.

7.Accordingly, the petitioners are directed to surrender before the III Additional District and Sessions Court (PCR Court), Madurai 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 III Additional District and Sessions Court (PCR Court), Madurai, shall consider their bail application on the same day on merits in accordance with law. The petitioners shall file 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 mean time, 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.

8.This Criminal Original Petition is allowed on the above terms.

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Sd/-

Assistant Registrar (CrI.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.

To

1. The III Additional District Judge / PCR Court, Madurai.
- 2.The Deputy Superintendent of Police,
Peraiyur Police Station (Circle),
Madurai District.
- 3.The Inspector of Police,
Sedapatty Police Station,
Madurai District,
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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AP(19/06/2020) 3P 5C