



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.06.2020

CORAM

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.O.P(MD)No.6752 of 2020

WEB COPY

Yogesh

... Petitioner / Accused No.3

Vs

1.State represented by

The Deputy Superintendent of Police,
Sivagangai Sub Division,
Sivagangai District.

2. Inspector of Police,

Sivagangai Town Police Station,
Sivagangai District.

(in Crime No.684 of 2020)

...Respondents 1&2/Complainant

3. Manikandan

... Respondent-3 /

Defacto Complainant

4. Parameshwari

5. Tamilselvi

... Respondents 4&5/Victims

Prayer: Petition filed under Section 482 of the Criminal Procedure Code, to direct the Special Judge for the exclusive trial of SC/ST (POA) Act, 1989 cases, Sivagangai, Sivagangai District, to consider the petitioner's bail application filed in respect of crime No.684 of 2020 on the file of the 2nd respondent police and to accept his surrender on the same day on merits.

For Petitioner

:

Mr.T.Kumar

For Respondents

:

Mr.R.Anandaraj,

Additional Public Prosecutor
for R1&R2

ORDER

The petitioner is shown as accused No.3 in crime No.684 of 2020 registered on the file of the Inspector of Police, Sivagangai Town Police Station, Sivagangai District, for the offences under Sections 147,294(b),323,336,427 IPC and r/w 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 accused persons and the defacto complainant are the neighbours and

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there is a wordy quarrel between them which led to attack each other.

3.The learned Additional Public Prosecutor, on instructions, submitted that the victim in this case sustained only simple injuries and the victim has already been discharged from the hospital.

4.Heard Mr.T.Kumar, learned Counsel appearing for the petitioner and Mr.R.Anandaraj, 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 respondents 3 to 5 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 Special Judge for the exclusive trial of SC/ST (POA) Act, 1989 cases, Sivagangai, 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 Special Judge for the exclusive trial of SC/ST (POA) Act, 1989 cases, Sivagangai, shall consider his bail application on the same day on merits in accordance with law. 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)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

pkn/ssl

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.

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To

- 1.The Special Judge for exclusive trial of SC/ST(POA)Act,1989,Cases,
Sivagangai.
- 2.The Deputy Superintendent of Police,
Sivagangai Sub Division,
Sivagangai District.
- 3.The Inspector of Police,
Sivagangai Town Police Station,
Sivagangai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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