



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.06.2020

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WEB COPY

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.O.P(MD)No.6458 of 2020

R.Selina @ Pavithra

... Petitioner / Accused No.1

Vs

1.The Deputy Superintendent of Police,
Thiruchuli Circle,
Narikudi Police Station,
Virudhunagar District.

2. State represented through
Inspector of Police,
Narikudi Police Station,
Virudhunagar District.
(in Crime No.93 of 2020)

... 1st and 2nd Respondent /
Complainant

3. Amaravathi

... 3rd Respondent/
Defacto complainant

Prayer: Petition filed under Section 482 of the Criminal Procedure Code, to direct the learned Sessions Judge for SC/ST (POA) Act cases, Special Court, Srivilliputhur to consider the petitioner's bail application on the date of her surrender in respect of crime No.93 of 2020 on the file of the 2nd respondent police and grant the same on the very same day.

For Petitioner : Mr.D.Sadiq Raja

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

ORDER

The petitioner is shown as accused No.1, in crime No.93 of 2020 registered on the file of the Inspector of Police, Narikudi Police Station, Virudhunagar District, for the offence under Sections 294(b), 323, 324, 506(ii) of IPC and Section 4 of TNPWH Act and Sections 3(1)(r), 3(1)(s), 3(2)(va) of the SC/ST (POA) Amendment Act, 2015



2. The learned Counsel for the petitioner submits that the petitioner and de-facto complainant are neighbours and due to previous enmity, a false complaint has been given against the petitioner and the petitioner has not committed any offence as alleged by the respondent Police.

3. The learned Additional Public Prosecutor, on instructions, submitted that during the alleged occurrence, the de-facto complainant has sustained simple injury and she has also been discharged from the hospital.

4. Heard Mr.D.Sadiq Raja, 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 third 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 Sessions Judge, for SC/ST (POA) Act cases, Special Court, Srivilliputhur, 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 Sessions Judge, for SC/ST (POA) Act cases, Special Court, Srivilliputhur, shall consider her bail application on the same day on merits in accordance with law. The petitioner shall file her surrender application three days prior to her 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 ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



To

1.The Deputy Superintendent of Police,
Thiruchuli Circle,
Narikudi Police Station,
Virudhunagar District.

2. State represented through
Inspector of Police,
Narikudi Police Station,
Virudhunagar District.

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

Crl.O.P(MD)No.6458 of 2020

22.06.2020

SPU (25.06.2020) 3P-4C