



36BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

**DATED: 22.06.2020**

CORAM

**THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

**Crl.O.P(MD)No.6493 of 2020**

WEB COPY

1. S.Karuppaiya
2. M.Karuppasamy
3. Ashok Kumar
4. Arunkumar

... Petitioners /  
Accused Nos. not known

Vs

- 1.State rep. by  
The Assistant Superintendent of Police,  
Office of the Assistant Superintendent of Police,  
Collectorate Complex,  
Virudhunagar Town & District.

2. The Sub-Inspector of Police,  
Amathur Police Station,  
Amathur, Virudhunagar District.  
(in Crime No.73 of 2020)

... Respondents /  
Complainant

3. Arjunan
4. Vijayakumar
5. Sivakumar
6. Boopathi Raja

... Respondents 3 - 6/  
Complainant/ Victims

**Prayer:** Petition filed under Section 482 of the Criminal Procedure Code, to direct the learned Sessions Judge, SC/ST (POA) Act, Virudhunagar District at Srivilliputtur, to consider the petitioners bail application on their surrender on the same day, if any petition is filed by the petitioners in Crime No.73 of 2020, on the file of the 2nd respondent.

|                 |                              |
|-----------------|------------------------------|
| For Petitioners | : Mr.M.Thirunavukkarasu      |
| For Respondent  | : Mr.K.K.Ramakrishnan,       |
| Nos.1&2         | Additional Public Prosecutor |

**ORDER**

The petitioners are shown as accused, in crime No.73 of 2020 registered on the file of the Inspector of Police, Amathur Police Station, Amathur, Virudhunagar District, for the offences under Sections 147, 148, 294(b), 307,323,324,341 & 506(II) IPC r/w 3(1)(r), 3(1)(s) & 3(2)(v) of the SC/ST (POA) Amendment Act, 2015.

2. The learned Counsel for the petitioners submits that the  
<https://hcservices.ecourts.gov.in/hcservices/>



petitioners' names are not found in the FIR and they have been subsequently implicated and a false case has been registered against the petitioners.

3.The learned Additional Public Prosecutor, on instructions, submitted that the alleged occurrence is arising out of eve teasing and the petitioners have been arrayed as A8 to A11 and they waylaid the de-facto complainant and caused simple injury. According to the learned Additional Public Prosecutor, the injured in this case were discharged from the hospital.

4.Heard Mr.M.Thirunavukkarasu, learned Counsel appearing for the petitioners 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, the notice to the respondents 3 to 6 is dispensed with.

5. Though the learned Additional Public Prosecutor has strongly made objection by stating that it is a case arising out of eve teasing, the allegation of eve teasing is only made against A1 - Ramar and considering the fact that A1 and 6 others have already been arrested and also considering the rival submissions made on either side, the interest of justice will be served, permitting the petitioners to surrender as prayed for.

6.Accordingly, the petitioners are directed to surrender before the learned Sessions Judge, SC/ST (POA) Act, Virudhunagar District at Srivilliputtur, 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 Sessions Judge, SC/ST (POA) Act, Virudhunagar District at Srivilliputtur, shall consider their bail applications on the same day on merits in accordance with law. The petitioners shall file their surrender applications 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 meantime, 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.

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

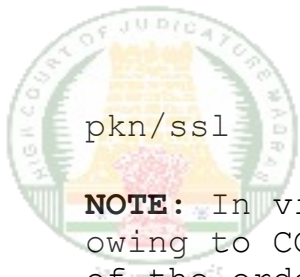
Sd/-

Assistant Registrar (ADII)

// 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

- 1.The Assistant Superintendent of Police,  
Office of the Assistant Superintendent of Police,  
Collectorate Complex,  
Virudhunagar Town & District.
2. The Sub-Inspector of Police,  
Amathur Police Station,  
Amathur, Virudhunagar District.
- 3.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

Crl.O.P (MD)No.6493 of 2020  
22.06.2020

KB (25.06.2020) 3P 4C