



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.06.2020

CORAM

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CrI.O.P(MD)No.6479 of 2020

WEB COPY

1. Prakash @ Muthuprakasham
2. Jeya
3. Narmadha

... Petitioners /
Accused Nos.1, 3 & 4

Vs

1. The Assistant Commissioner of Police,
(Law & Order), Madurai City,
Madurai.
2. The Inspector of Police,
K.Pudhur - Police Station,
Madurai City,
Madurai.
(Crime No.1489 of 2020)
3. Selvapandi

... Respondents /
Complainant

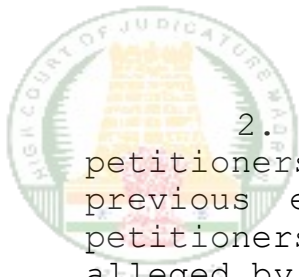
... Respondent /
Defacto Complainant

Prayer: Petition filed under Section 482 of the Criminal Procedure Code, to direct the learned Judge, Additional District and Sessions Court (Special Court for Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, Madurai, Madurai District, to accept the surrender of the petitioners/Accused and consider petitioners bail application and grant bail on the date of surrender itself, in Crime No.1489 of 2020 on the file of Respondent No.2, Police.

For Petitioner : Mr.D.Balamurugapandi
For Respondent : Mr.K.K.Ramakrishnan,
Additional Public Prosecutor

ORDER

The petitioners are shown as accused Nos.1, 3 & 4 in crime No.1489 of 2020 registered on the file of the Inspector of Police, K.Puthur Police Station, Madurai City, Madurai, for the offences under Sections 147, 148, 427, 448 and 324 I.P.C r/w 3(1)(r) and 3(1)(s) of the SC/ST (POA) Amendment Act, 2015.



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

WEB COPY

3. The learned Additional Public Prosecutor, on instructions, submitted that the injured in this case was also discharged from the hospital.

4. Heard Mr.D.Balamurugapandi, 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, the 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 petitioners to surrender as prayed for.

6. Accordingly, the petitioners are directed to surrender before learned Judge, Additional District and Sessions Court (Special Court for Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, Madurai District, within a period of six weeks from the date of receipt of a copy of this order. In the event of the petitioners' surrender, learned Judge, Additional District and Sessions Court (Special Court for Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, Madurai District, shall consider their bail application on the same day on merits in accordance with law. The petitioners shall file their 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 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/-

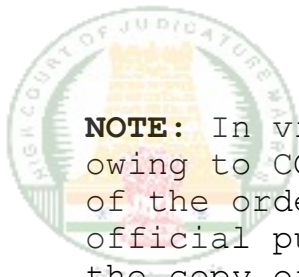
Assistant Registrar (Records)

// 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 Judge, Additional District and Sessions Court,
(Special Court for SC and ST) (POA Act), 1989,
Madurai.
2. The Assistant Commissioner of Police,
(Law & Order), Madurai City,
Madurai.
3. The Inspector of Police,
K.Pudhur - Police Station,
Madurai City, Madurai.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P(MD)No.6479 of 2020
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CS (01.07.2020) 3P 5C