



36BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.06.2020

CORAM

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.O.P(MD)No.6678 of 2020

Kumar

.. Petitioner/Accused No.2

Vs

1.The Deputy Superintendent of Police,
Kumbakonam,
Thanjavur District.

2.The Inspector of Police,
Swamimalai Police Station,
Thanjavur District.

... Respondents / Respondents

3.Chinraj

... 3rd Respondent/Defacto complainant

Prayer: Petition filed under Section 482 of the Criminal Procedure Code, to direct the I Additional Sessions Court (PCR), Thanjavur, to accept the surrender of the petitioner and consider his bail application on the same day in connection with Crime No.600 of 2020 on the file of the Respondent police.

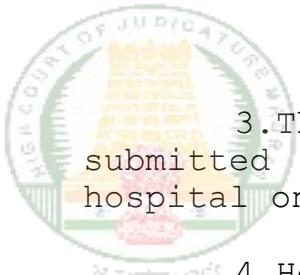
For Petitioner : Mr.S.Chellapandian

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

ORDER

The petitioner is shown as accused No.1, in crime No.600 of 2020 registered on the file of the Inspector of Police, Samayanallur Police Station, Thanjavur District, for the offences under Sections 341, 294(b), 323, 324, 506(ii) of IPC and 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 due to previous enmity the defacto complainant has lodged the false complaint. Moreover, the petitioner is aged about 50 years and he is taking treatment for his heart ailment.



3.The learned Additional Public Prosecutor, on instructions, submitted that the injured person has been discharged from the hospital on 17.06.2020.

4.Heard Mr.S.Chellapandian, 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 petitioner to surrender as prayed for.

6.Accordingly, the petitioner is directed to surrender before the learned I Additional District and Sessions Judge (PCR Court), Thanjavur, within a period of six weeks from the date of receipt of a copy of this order. In the event of the petitioner surrender, the learned I Additional District and Sessions Judge (PCR Court), Thanjavur, 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 ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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 Ist Additional Sessions Court (PCR), Thanjavur,
- 2.The Deputy Superintendent of Police,
Kumbakonam,
Thanjavur District.
- 3.The Inspector of Police,
Swamimalai Police Station,
Thanjavur District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P (MD) No. 6678 of 2020
25.06.2020

TM/PM

SDS (02.07.2020) 3P-5C