



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.06.2020

CORAM

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Cr1.O.P(MD)No.6628 of 2020

Mohan

.. Petitioner/Accused No.1

Vs

1.The Deputy Superintendent of Police,
O/o. The Deputy Superintendent of Police,
Thiruchuli Division,
Virudhunagar District.

2.The Inspector of Police,
Narikudi Police Station,
Virudhunagar District.

.. 1st and 2nd Respondents/Complainants

3.Alagarsamy

.. 3rd Respondent/Defacto Complainant

4.Malaichamy

.. 4th Respondent/Victim

Prayer: Petition filed under Section 482 of the Criminal Procedure Code, to direct the learned Principal District and Sessions Judge, (Special Court for Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, Virudhunagar at Srivilliputhur to accept the surrender of the petitioner and consider the petitioner's bail application on the same date of surrender itself in Crime No.109 of 2020, dated 19.05.2020, on the file of the 2nd respondent.

For Petitioner : Mr.C.Bharathi

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

ORDER

The petitioner is shown as accused No.1, in crime No.109 of 2020 registered on the file of the Inspector of Police, Narikudi Police Station, Virudhunagar District, for the offences under Sections 294(b), 323, 324, 506(ii) of IPC r/w 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 money dispute between the defacto complainant and the petitioner's brother, the defacto complainant has lodged the false complaint.



3.The learned Additional Public Prosecutor, on instructions, submitted that the victim in his case suffered simple injury and has also been discharged from the hospital.

4.Heard Mr.C.Bharathi, 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 and fourth respondents 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 Principal District and Sessions Judge, (Special Court for Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act,) Virudhunagar at Srivilliputhur, 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 Principal District and Sessions Judge, (Special Court for Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act) Virudhunagar at Srivilliputhur, 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 (AS)

// 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 Principal District and Sessions Judge,
(Special Court for SC/ST Act)
Virudhunagar at Srivilliputhur
- 2.The Deputy Superintendent of Police,
O/o. The Deputy Superintendent of Police,
Thiruchuli Division,
Virudhunagar District.
- 3.The Inspector of Police,
Narikudi Police Station,
Virudhunagar District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P(MD)No.6628 of 2020
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TM/PM

SDS (02.07.2020) 3P-5C