



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.06.2020

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THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CrI.O.P(MD)No.6537 of 2020

Raja @ Nagarajan

... Petitioner /
Accused No.3

Vs

1.The Deputy Superintendent of Police,
Puliyangudi,
Tenkasi District.

... 1st Respondent /
Investigation Officer

2. The State represented through
Inspector of Police,
Chokkampatti Police Station,
Tenkasi District.
(in Crime No.125 of 2020)

... 2nd Respondent /
Complainant

3. Ramesh Kannan

... 3rd Respondent/
Defacto complainant

4. Ravi

5. Kumar

... 4th and 5th Respondent/
Victims

Prayer: Petition filed under Section 482 of the Criminal Procedure Code, to direct the learned Judge, II Additional Sessions Court cum PCR Court, Tirunelveli, to consider the petitioner's bail application on the same day of surrender and dispose the same on the same date on merits and in accordance with law in Crime No.125 of 2020 on the file of the 2nd respondent Police.

For Petitioner : Mr.R.Maheswaran

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



ORDER

The petitioner is shown as accused No.3, in crime No.125 of 2020 registered on the file of the Inspector of Police, Chokkampatti Police Station, Tenkasi District, for the offence under Sections 147,148,294(b),323,324,506(ii) IPC and r/w 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 only with an intention to harass the petitioner, a false complaint has been given by the de-facto complainant 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 he has also been discharged from the hospital. He further submitted that it is a case and counter and there is a tension prevailing in the village.

4.Heard Mr.R.Maheswaran, 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 respondent Nos.3 to 5 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 Judge, II Additional Sessions Court cum PCR Court, Tirunelveli, 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 Judge, II Additional Sessions Court cum PCR Court, Tirunelveli, shall consider his bail application on the same day on merits in accordance with law. The learned Judge shall also consider the submission made by the learned Additional Public Prosecutor that there is a tension prevailing in the village, while considering the bail application filed by the petitioner. 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.

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Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To

- 1.The Judge,
II Additional Sessions Court cum PCR Court,
Tirunelveli, Tirunelveli District.
- 2.The Deputy Superintendent of Police,
Puliyangudi,
Tenkasi District.
3. Inspector of Police,
Chokkampatti Police Station,
Tenkasi District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Cr1.O.P(MD)No.6537 of 2020

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_NR (25.06.2020) 3P 5C