



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.06.2020

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.O.P.(MD)No.6575 of 2020

WEB COPY

- 1.Ramaiah @ Ramaiahpandi
- 2.Ponnusamy
- 3.Thangaraj @ Thangarajpandian
- 4.Murugan @ Murugiahpandian
- 5.Kotturan @ Kottursamy
- 6.Muthupandian @ Chinnamuthu
- 7.Mullaivendan
- 8.Mahendran
- 9.Chandran
- 10.Pandiaraj @ Pandiaraja
- 11.Chinnasamy
- 12.Samuthiram
- 13.Kanagaraj
- 14.Selvaraj @ Selvakumar @ Kannadi
- 15.Kasipandi

... Petitioners/Accused 1 to 7
and 9 to 16

Vs

- 1.The Deputy Superintendent of Police,
Puliyangudi,
Thenkasi District.
(In Crime No.234/20)

...1st Respondent/Investigating
Officer

- 2.The State through the Inspector of Police,
Vasudevanallur Police Station,
Thenkasi District.
(Crime No.234 of 2020)

...2nd Respondent/Complainant

- 3.Samy

...3rd Respondent/Defacto
Complainant

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to direct the learned PCR Court [II Additional Sessions Judge, Tirunelveli] to consider and decide the bail applications that may be filed by the petitioners on the same day in Crime No.234 of 2020 on the file of the second respondent in respect of the petitioners are concerned.

For Petitioner

: Mr.D.Malaichamy

For Respondents

: Mr.K.K.Ramakrishnan



Additional Public Prosecutor
for R1 & R2

ORDER

The petitioners are shown as accused Nos.1 to 7 and 9 to 16 , in crime No.234 of 2020 registered on the file of the Inspector of Police, Vasudevanallur Police Station, Tenkasi District, for the offences under Sections 147,148,341,294(b),324,307,506(ii)IPC & 3,3(1)(r),3(1)(s),3(2)(va) of the SC/ST (POA) Amendment Act, 2015.

2. The learned counsel for the Petitioners states that due to the communal group clash, a case has been registered against the petitioners in Crime No.234 of 2020 on the file of the Vasudevanallur Police Station, Tenkasi District.

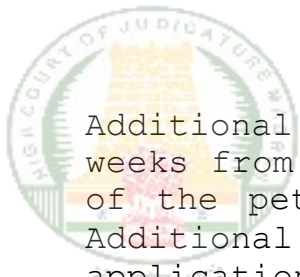
3. The learned Additional Public Prosecutor, on instructions, submits that there is a dispute between two groups among the adjacent villages and there are allegations and counter allegations. These petitioners are accused in Crime No.234 of 2020 and on the complaint from the petitioner's village, another case was also registered as against the victims in Crime No.235 of 2020. Both the cases are under investigation. Since this is a group clash between two vilalges, at the instance of the Revenue Officials, a peace committee meeting was also conducted. With regard to the status of the injury, the learned Additional Public Prosecutor submits that the injured have already been discharged from the hospital and eighth accused was also arrested by the respondent Police.

4. The learned counsel for the petitioners would further submit that in the peace committee meeting, both groups compromised with their differences and also undertook before the Revenue Officials that they would not precipitate the issue further.

5.Heard Mr.D.Malaichamy, 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 third respondent is dispensed with.

6.Considering the rival submissions made on either side, the interest of justice will be served, permitting the petitioners to surrender as prayed for.

7.In view of the specific stand taken by the learned Counsel for the petitioners that they have amicably solved the issue with the defacto complainant's group and also gave an undertaking in the peace committee meeting that they would resolve their dispute amicably, in order to give quietus to the issue, the petitioners are directed to surrender before the learned Judge, PCR Court [II



Additional Sessions Court], Tirunelveli, 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 Judge, PCR Court [II Additional Sessions Court], Tirunelveli, 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.

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

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

ta/pkn

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 Deputy Superintendent of Police,
Puliyangudi,
Thenkasi District.
- 2.The Inspector of Police,
Vasudevanallur Police Station,
Thenkasi District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
4. The II Additional Sessions Judge,
The II Additional Sessions Court(PCR),Tirunelveli.

Crl.O.P (MD)No.6575 of 2020
24.06.2020