



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.06.2020

CORAM

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.O.P(MD)No.6615 of 2020

WEB COPY

1. Deepak

2. Vinoth

...Petitioners / Accused Nos.1 & 3

Vs

1. The Deputy Superintendent of Police,
Musiri,
Trichy District.

...1st Respondent/Investigating Officer

2. The Inspector of Police,
Musiri Police Station,
Trichy District.
(Crime No.1350 of 2020)

... 2nd Respondent / Complainant

3. Ariyamala

... 3rd Respondent /Defacto
Complainant

4. Anbarasan

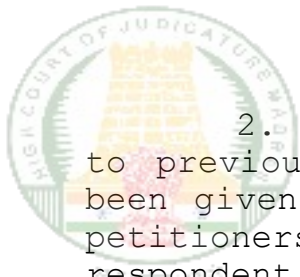
... 4th Respondent / Victim

Prayer: Petition filed under Section 482 of the Criminal Procedure Code, to direct the learned Judge, I Additional Sessions Judge, (Special Court for SC/ST Act cases, PCR), Trichy, to consider the petitioners' bail application on the day of surrender and dispose of on the same date on merits and in accordance with law, in Crime No.1350 of 2020 on the file the second respondent.

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

ORDER

The petitioners are shown as accused Nos.1 & 3, in crime No.1350 of 2020 registered on the file of the Inspector of Police, Musiri Police Station, Trichy District, for the offences under Sections 341,294(b),323,506(ii) of IPC and Section 4 of TNPWH Act and Sections 3(1)(r),3(1)(s),3(2)(va) of the SC/ST (POA) Amendment Act, 2015.



2. The learned Counsel for the petitioners submits that due to previous enmity with regard to pathway, a false complaint has been given against the petitioners by the third respondent and the petitioners have not committed any offence as alleged by the respondent Police.

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3. The learned Additional Public Prosecutor, on instructions, submitted that during the alleged occurrence, the de-facto complainant and victim have sustained simple injury and they have also been discharged from the hospital.

4. Heard Mr.P.Venkatesan, 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 petitioners to surrender as prayed for.

6. Accordingly, the petitioners are directed to surrender before the learned Judge, I Additional Sessions Judge, (Special Court for SC/ST Act cases, PCR), Trichy, 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, I Additional Sessions Judge, (Special Court for SC/ST Act cases, PCR), Trichy, 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

// 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,
Musiri,
Trichy District.
2. The Inspector of Police,
Musiri Police Station,
Trichy District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
4. The 1st Additional Sessions Judge,
(Special Court for SC/ST Act Cases PCR), Trichy.

Cr1.O.P (MD) No. 6615 of 2020
24.06.2020

AP (01/07/2020) 3P 5C