



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.06.2020

CORAM

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CrI.O.P(MD)No.6747 of 2020

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Nashar Khan

... Petitioner/Sole Accused

Vs

1.State represented by  
The Deputy Superintendent of Police,  
Theni Circle,  
Theni District.

2. Inspector of Police,  
Theni Police Station,  
Theni, Theni District.  
(in Crime No.2288 of 2020)

... 1<sup>st</sup> and 2<sup>nd</sup> Respondent /  
Complainant

3. Chinnakaruppan

... 3<sup>rd</sup> Respondent/  
Defacto complainant

**Prayer:** Petition filed under Section 482 of the Criminal Procedure Code, to direct the learned Principal District and Sessions Judge (PCR Court), Theni, to consider the petitioner's bail application on the date of his surrender in respect of crime No.2288 of 2020 on the file of the 2<sup>nd</sup> respondent police and dispose the same on the very same day.

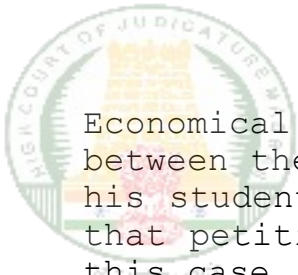
For Petitioner : Mr.P.Santhanakrishnan

For Respondents : Mr.R.Anandaraj,  
Additional Public Prosecutor  
for R1&R2

### **ORDER**

The petitioner is shown as a sole accused in crime No.2288 of 2020 registered on the file of the Inspector of Police, Theni Police Station, Theni District, for the offences under Sections 294(b), 323,506(i)and r/w Sections 3(1)(r),3(1)(s) and 3(2)(va) of the SC/ST (POA) Amendment Act, 2015.

2. The learned Counsel for the petitioner submits that the petitioner is having a building at Bungalowmedu, Theni and in that, an institution namely Thevendra Kula Velalar Education and



Economical Development Trust is running and there is a dispute between the petitioner and his tenant and the tenant, by instigating his student, has given a false complaint against the petitioner and that petitioner assaulted only with hands and there is no injury in this case.

WEB COPY

3.The learned Additional Public Prosecutor, on instructions, submitted that the petitioner assaulted the de-facto complainant only with hands and no one sustained injury in this case.

4.Heard Mr.P.Santhanakrishnan, learned Counsel appearing for the petitioner and Mr.R.Anandaraj, 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 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 Principal District and Sessions Judge (PCR Court), Theni, 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 Principal District and Sessions Judge (PCR Court), Theni, 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/-

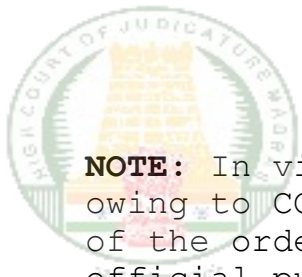
Assistant Registrar (Records)

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/ /2020

Sub Assistant Registrar(CS)

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**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,  
(PCR Court), Theni.
- 2.The Deputy Superintendent of Police,  
Theni Circle,  
Theni District.
3. Inspector of Police,  
Theni Police Station,  
Theni District.
- 4.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

**Crl.O.P(MD)No.6747 of 2020**  
**26.06.2020**

CS(01.07.2020) 3P 5C