



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.06.2020

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.O.P(MD)No.6848 of 2020

1.Mohana
2.Alaguraja@Anbalagan
3.Kalaikovan @ Loganathan
4.Sivakumar
5.Premkumar

:Petitioners/Accused Nos.3 to 7

Vs

1.State represented by its
The Deputy Superintendent of Police
Kulithalai
Karur District

2.The Inspector of Police
Thogamalai Police Station
Thogamalai
Karur District

(Crime No.286 of 2020)

: Respondent Nos.1 & 2/Complainant

3.Arumugam

: Respondent No.3/Defacto Complainant

4.Padma

5.Maruthayee

: Respondent Nos. 4 & 5 / Victims

PRAYER: Petition filed under Section 482 of Code of Criminal Procedure, to direct the learned Principal District and Sessions Judge Cum P.C.R Court, Karur to consider the bail application to be filed by the petitioners on the date of their surrender before that Court in connection with Cr.No.286/2020 on the file of the 2nd respondent.

For Petitioners : Mr.K.Arunraj

For R1 & R2

: Mr.K.K.Ramakrishnan

Additional Public Prosecutor



ORDER

The petitioners are shown as accused in Crime No.286 of 2020 registered on the file of the Inspector of Police, Thogamalai Police Station, Thogamalai, Karur District, for the offences under Sections 147, 148, 294(b), 323, 324, 341, 354 A, 427, 448 and 506(ii) I.P.C read with Section 3(1)(r), 3(1)(s) and 3(2)(va) of the Scheduled Caste and the Scheduled Tribes (POA) Amendment Act, 2015.

2.The learned counsel for the petitioners submits that the petitioners and the defacto complainant belong to the same village and due to the previous motive, this case has been foisted against the petitioners.

3.According to the learned Additional Public Prosecutor, the injury sustained by the victim is simple in nature and she was also treated as an out-patient.

4.Heard, Mr.K.Arunraj, learned counsel for the petitioners and Mr.K.K.Ramakrishnan, learned Additional Public Prosecutor appearing for the State. Considering the relief sought for in this petition and the present situation, the notice to the respondents 3 to 5 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 Principal District and Sessions Judge Cum P.C.R Court, Karur District, 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 Principal District and Sessions Judge Cum P.C.R Court, Karur District, shall consider their bail applications on the same day on merits and in accordance with law. The petitioners shall file surrender applications 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 mean time, 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)



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 Cum P.C.R Court,
Karur,
Karur District.
2. The Deputy Superintendent of Police,
Kulithalai,
Karur District.
3. The Inspector of Police,
Thogamalai Police Station,
Thogamalai,
Karur District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Cr1.O.P (MD)No.6848 of 2020
30.06.2020

msa/vsm
SDS (03.07.2020) 3P-5C