



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.07.2020

CORAM:

THE HONOURABLE Mr.JUSTICE R.PONGIAPPAN

CRL OP(MD)No.7368 of 2020

WEB COPY

L.Illayaraja @ Ilasu

... Petitioner / Accused No.4

Vs.

1.The State Rep.by

The Deputy Superintendent of Police,
O/o.the Deputy Superintendent of Police,
Ramanathapuram District.
(Crime No.67 of 2020)

2.The Inspector of Police,
Devipattinam Police Station,
Ramanathapuram District
(Crime NO.67 of 2020)

... Respondents / Complainants

3.Vairava Kesu

... Respondent / Defacto
Complainant

PRAYER: Petition filed under Section 482 of Criminal Procedure Code, to direct the District and Sessions Court (Special Court for Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, Ramanathapuram, to accept the surrender of the petitioner / Accused No.4 and consider his bail application and grant bail on the date of surrender itself in Crime No.67 of 2020, dated 22.03.2020, on the file of the 2nd respondent police.

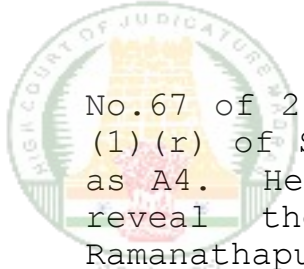
For Petitioner : Mr.I.Pinayagash

For Respondents : Mr.S.Chandrasekar
(R1 & R2) Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed seeking a direction, directing the District and Sessions Judge (Special Court for Schedule Cast and Schedule Tribes (Prevention of Atrocities) Act Ramanathapuram, to accept the surrender of the petitioner / Accused No.4, and consider the petitioner's bail application and grant bail on the date of surrender itself in Crime No.67 of 2020, dated 20.03.2020.

2. The learned counsel appearing for the petitioner would submit that the respondent police has registered a case in Crime



No.67 of 2020, under Sections 147, 307, 302 of IPC., and Section 3(1)(r) of SC/ST (POA) Act, 1989 in which the petitioner was arrayed as A4. He would further submit that the contents of the FIR would reveal the fact that during the time of occurrence in Ramanathapuram, Devipattinam Road, when at the time the deceased and his friend travelled in a two wheeler, bearing Registration No.TN-65-AK-6018, a four wheeler without having any registration number followed the two wheeler in which the deceased was travelled and dashed against the said vehicle. He would further submit that the said occurrence is nothing but an accident, but the respondent police without understanding the real occurrence registered a case, as referred above. Accordingly, it is necessary to allow this petition and direct the Presiding Officer of the said Court to accept the surrender of the petitioner and consider his bail application on the same day itself.

3. The learned Additional Public Prosecutor appearing for the respondent Police would submit that since the case has been registered under Sections 147, 307, 302 of IPC., and Section 3(1)(r) of SC/ST (POA) Act, 1989 against the petitioner, it requires considerable time for completing the investigation. Further, if the petition filed by the petitioner is entertained, it would difficult to find out whether the petitioner and other accused in this case are having an intention to kill the deceased, because the same has to be identified by the Investigation Officer only during the time of interrogation. Accordingly, he prayed for dismissal of the application filed by the petitioner.

4. Upon considering the arguments advanced by either side counsels, it is true that though the averments contained in the FIR discloses the fact that only an accident had happened at the time of occurrence, considering the situation that the four wheeler which dashed against the two wheeler in which the deceased was travelled was not having any registration number, therefore, the same requires some detailed investigation. Accordingly, considering the manner of offence committed, I am of the view that it is not a fit case for exercising the inherent powers of this Court under Section 482 of Cr.P.C. Accordingly, this Criminal Original Petition stands dismissed.

Sd/-

Assistant Registrar (AS)

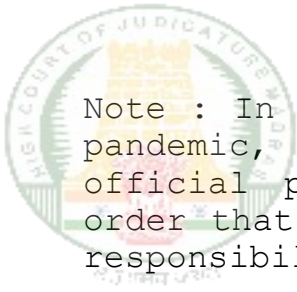
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/ /2020

Sub Assistant Registrar(CS)

MPK

<https://hcservices.ecourts.gov.in/hcservices/>



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.

WEB COPY

- 1.The Deputy Superintendent of Police,
O/o.the Deputy Superintendent of Police,
Ramanathapuram District.
- 2.The Inspector of Police,
Devipattinam Police Station,
Ramanathapuram District
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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15.07.2020

AP(03/08/2020) 3P 4C