



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **03.08.2020**

CORAM:

THE HONOURABLE MR.JUSTICE **R. PONGIAPPAN**

Crl.O.P.(MD)No.8054 of 2020

WEB COPY

- 1.M.Velraja
- 2.J.Selvareegan
- 3.M.Augustin Jebakumar
- 4.Mariacharles
- 5.Vanam Paulraj

... Petitioners

Vs.

- 1.The Assistant Commissioner of Police, (Law and Order)
Thirunelveli Town, Thirunelveli.

- 2.The Inspector of Police,
Pettai Police Station,
Thirunelveli City.
In Crime No.796 of 2020

- 3.Esaiselvam
- 4.Siva
- 5.Muthulakshmi
- 6.Muthulakshmi

... Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the learned II Additional District Sessions Judge (PCR Act Cases), Tirunelveli to consider the petitioners bail application on the same day which would be filed by the petitioners in connection with the crime No.796 of 2020 on the file of the second respondent police.

For Petitioners : Mr.R.Aravind Raj

For R1 & R2 : Mr.S.Chandrasekar

Additional Public Prosecutor

O R D E R

This criminal original petition has been filed seeking a direction to direct the learned II Additional District Sessions Judge (PCR Act Cases), Tirunelveli to consider the petitioners' bail application on the day of surrender and dispose on the same date on merits and in accordance with law.

2.Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the first and second respondents.

3.The contention of the learned Additional Public Prosecutor

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is that in the alleged occurrence the petitioners and other accused unlawfully joined together with deadly weapons and made an attempt to commit murder. Hence, if the direction now sought for by the petitioners is granted in their favour, it would affect the investigation.

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4.It is seen from the records that immediately after the occurrence, a case has been registered against this petitioners in crime No.796 of 2020 for the offence under Sections 147, 148, 294 (b), 307, 324, 506(ii) IPC and Sections 3(1)(r), 3(1)(s), 3(2)(va) of the Schedule Caste and Schedule Tribes (Prevention of Atrocities) Act, 2015. The averments set out in the First Information Report discloses the fact that on 19.07.2020 at about 03.30 hours, the petitioners herein and forty others intercepted the defacto complainant, Siva and Muthulakshmi and attacked them with deadly weapons. In the alleged occurrence, totally four persons sustained injuries, in which, one person sustained grievous injury. Further, the said occurrence had happened with previous motive. Considering the gravity of the offence committed by the petitioners, it is necessary for the Investigating Officer to interrogate the petitioners in a detailed manner, for which, judicial custody may be necessary.

5.In such circumstances, if the prayer sought for by the petitioners is considered in their favour, it would affect the investigation. Exercising power under Section 482 Cr.P.C., is being discretionary one, the case in hand is not has any merits for using discretionary powers. Therefore, this criminal original petition is dismissed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

gns

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 Assistant Commissioner of Police, (Law and Order)
Thirunelveli Town, Thirunelveli.

2.The Inspector of Police,
Pettai Police Station,
Thirunelveli City.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P. (MD) No.8054 of 2020
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KM (13.08.2020) 3P 4C