



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **03.08.2020**

CORAM:

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

CrI.O.P.[MD]No.8086 of 2020

1.Veerachamy

2.Rajeshwari

... Petitioners / Accused 2 & 3

Vs.

1.The Deputy Superintendent of Police,
Srivilliputhur Sub Division,
Virudhunagar District. ... 1st Respondent / Investigation Officer

2.The Inspector of Police,
AWPS Police Station,
Srivilliputhur,
Virudhunagar District. ... 2nd Respondent/Complainant

3.Vanmathi ... 3rd Respondent / Defacto Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, directing the Sessions Court (Special Court for trial of SC/ST (POA) Act cases), Srivilliputhur to consider the bail application of the petitioners in Crime No.04 of 2020 on the same date of surrender and dispose the same on its merits in accordance with law.

For Petitioners : Mr.K.Samidurai

For R1 and R2 : Mr.S.Chandrasekar

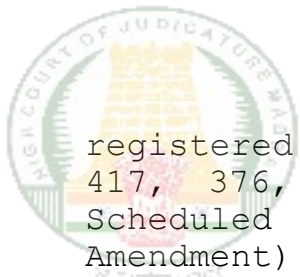
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed seeking a direction to direct the learned Sessions Judge (Special Court for trial of SC/ST (POA) Act cases), Srivilliputhur, to consider the bail application of the petitioners in Crime No.04 of 2020 on the same date of surrender and dispose of the same on its merits in accordance with law.

2.The learned counsel for the petitioners would submit that on the complaint given by the third respondent, the case has been

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



registered against the petitioners for the offences under Sections 417, 376, 506(i) of I.P.C r/w.3(1)(s), 3(1)(w)(i), 3(2)(v) of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities Amendment) Act, 1989. He would further submit that though the said offences were registered against these petitioners, the involvement of the petitioners is only made a threat against the third respondent.

3.In this regard, the learned Additional Public Prosecutor appearing for the respondents 1 and 2 fairly concede that the offences under Section 376 of I.P.C., has been made out only against the first accused, who has already been secured and released on bail.

4.Therefore, the submission made by the learned counsel appearing on either side reveals the fact that the offence under Section 376 of I.P.C has not been made out against these petitioners. In the said circumstances, in view of the amendments made in the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, this Court is of the view that the usual directions that were issued by this Court cannot be issued routinely in all cases. Therefore, the petitioners are directed to surrender before the trial Court within a period of four weeks from the date of receipt of a copy of this order and on such surrender, the learned Sessions Judge (Special Court for trial of SC/ST (POA) Act cases), Srivilliputhur, shall deal and dispose the matter on the same day on merits and in accordance with law.

5.In due compliance of Section 15-A of the SC/ST Act, the petitioners shall serve advance notice of surrender and bail two clear days before the intended date of surrender enclosing additional copies on the Special Public Prosecutor of the concerned Court and the Special Public Prosecutor shall intimate it to the defacto complainant through the respondent police.

6.This Criminal Original Petition is disposed of with the above directions.

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 Sessions Judge,
(Special Court for trial of SC/ST (POA) Act cases),
Srivilliputhur.

2.The Deputy Superintendent of Police,
Srivilliputhur Sub Division,
Virudhunagar District.

3.The Inspector of Police,
AWPS Police Station,
Srivilliputhur,
Virudhunagar District.

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

+1 CC to M/s.K. SAMIDURAI, Advocate (SR-13587[F] dated 04/08/2020)

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cp

SDS (12.08.2020) 3P-6C