



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.08.2020

CORAM:

THE HONOURABLE Mr.JUSTICE R.PONGIAPPAN

CRL OP(MD)No.8768 of 2020

WEB COPY

1.J.Selvareegan
2M.Augustin Jebakumar
3.Mariacharles
4.Vanam Paulraj ... Petitioners / A3, A5, A10
and A11
Vs.

1.The Assistant Commissioner of Police,
Thirunelveli Town,
Thirunelveli

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

... Respondents / Complainants

3.Esaiselvam ... 3rd Respondent / Defacto
Complainant

4.Siva

5.Muthulakshmi

6.Muthulakshmi

... Respondents 4 to 6 / Victim

PRAYER: Petition filed under Section 482 of Criminal Procedure Code, 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 2nd respondent police.

For Petitioners : Mr.R.Aravind Raj

For Respondents : Mr.A.P.G. Ohm Chairma Prabhu
(R1 & 2) Govt.Advocate

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 petitioner's bail application, on the same day, which would be filed by the petitioners in connection with Crime No.796 of 2020, on the file of the 2nd respondent Police.



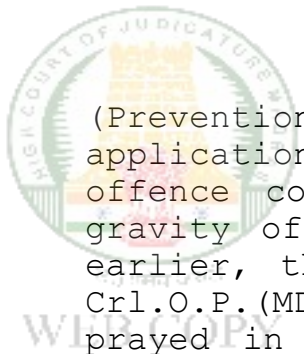
2. Today when the petition is came up for hearing, the learned counsel appearing for the petitioners would submit that after registration of the case, the persons who sustained injuries in the alleged occurrence have been discharged from the Hospital, after completing the treatment. More than that, the nature of injuries sustained by the injured are simple in nature. In the said circumstances, without considering the nature of injuries sustained by the victim, the 2nd respondent Police registered the case against the petitioners for the offence punishable under Sections 147, 148, 294(b), 307, 324 and 506(ii) of IPC., and under Section 3(i)(r), 3(i)(s) and 3(2)(va) of Schedule Caste / Schedule Tribes (Prevention of Atrocities) Amendment Act, 2015. Further, the petitioners are respectable citizen in the locality in which the alleged occurrence had happened. Accordingly, he prayed to allow this application and pass an order directing the learned II Additional District Sessions Judge (PCR Act Cases), Tirunelveli, to consider the petitioners bail application on the same day.

3. Per contra, the learned Additional Public Prosecutor appearing for the respondent Police, on instructions, would submit that in the alleged incident, due to the assault made by the petitioners and others, three persons sustained injuries all over the body in which one person sustained head injury and still he is taking treatment. Only by considering the gravity of the offence committed by the petitioners, the 1st respondent Police registered the case as above.

4. I have heard the learned counsel appearing for the petitioners and the learned Government Advocate appearing for the respondent Police and perused the materials available on record.

5. Upon considering the arguments advanced by either side, it is not in dispute that while at the time of registering the case against the petitioners along with the offences comes under the provisions of Schedule Caste / Schedule Tribes (Prevention of Atrocities) Amendment Act, the offence under Sections 147, 148, 294 (b), 307, 324 and 506(ii) IPC., have also been registered against the petitioners. Now, on a close reading of the averments found in the FIR it seems that due to previous enmity, the petitioners and others assaulted the 2nd respondent by using the wooden log. Resultantly, the 2nd respondent sustained cut injury on his head. Further, the other injured viz., Siva and Muthulakshmi lost their teethes. Therefore, on considering the gravity and seriousness of the offence committed by the petitioners, registering the case under Section 307 IPC cannot be said that the 2nd respondent has exceeded his limit.

6. Usually, only in view of Section 18 of Schedule Caste / Schedule Tribes (Prevention of Atrocities) Amendment Act, this Court ordinarily directs the Judges, who tried the offence



(Prevention of Atrocities) Amendment Act, 2015 to consider the bail application on the same day, only based upon the gravity of the offence committed by the petitioners. But in this case, the gravity of the offence is very serious one. More than that, in earlier, the very same petitioners herein filed an application in Crl.O.P.(MD)No.8054 of 2020 in which they prayed the same relief as prayed in this application and the same was dismissed by this Court. Therefore, in view of the above, particularly, on considering the seriousness of the offence committed by the petitioners, this Court is not inclined to grant the relief sought for by the petitioners. Accordingly, this Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

MPK

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 II Additional District Sessions Judge
(PCR Act Cases), Tirunelveli,
- 2.The Assistant Commissioner of Police,
Thirunelveli Town,
Thirunelveli
- 3.The Inspector of Police,
Pettai Police Station,
Thirunelveli City
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

**CRL OP(MD)No.8768 of 2020
31.08.2020**

AP(09/09/2020) 3P 5C

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