



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.08.2020

CORAM:

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

CrI.O.P.(MD)No.8803 of 2020

WEB COPY

Ismail

... Petitioner/Accused

Rank not Known

Vs.

1.State rep by

the Inspector of Police,
Sayalkudi Police Station,
Ramanathapuram District.
(Crime No.205 of 2020)

2.The Deputy Superintendent of Police,
Keelakarai,
Ramanathapuram District.

...Respondents 1& 2/Complainant

3.Muniyandi

...3rd Respondents/Defacto
Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the learned Principal District Judge / Special Court for PCR Act cases, Ramanathapuram, to consider the bail application on the same day in Crime No.205 of 2020, registered on the file of the first respondent Police and investigated by the second respondent police.

For Petitioner

: Mr.R.Rajan

For R-1 & R-2

: 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 Principal District Judge / Special Court for PCR Act cases, Ramanathapuram, to consider the bail application filed by the petitioner on the same day which relates to Crime No.205 of 2020, on the file of the first respondent Police.

2.In earlier, when at the time of registering the case in Crime No.205 of 2020, the respondents police had registered the case against the petitioner under Sections 294(b), 341, 324, 506(ii) and 307 of I.P.C and Section 3(2)(v) of the SC/ST (Prevention of Atrocities) Amendment Act, 2015, in which the offence under Section 307 of I.P.C requires to be investigated in a detailed manner and also for the said offence, Indian Penal Code provides punishment upto life imprisonment as a punishment. In the said circumstances, if the prayer sought for by the petitioner is granted in his favour,



definitely it will affect the process of investigation, particularly for identifying the truth involved in this occurrence.

3.In this regard, the learned Additional Public Prosecutor appearing for the respondents 1 and 2, on instructions, would submit that in respect of the offence punishable under Section 307 of I.P.C., the injured persons, who sustained injury in the alleged occurrence, had already been discharged from the hospital after completing treatment. Therefore, particularly in respect of the said offence, custodial interrogation of the accused may not necessary.

4.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 petitioner is 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 Principal District Judge / Special Court for PCR Act cases, Ramanathapuram, 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 petitioner 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 (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

cp

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 Judge
The Special Court for PCR Act cases,
Ramanathapuram.

2.The Deputy Superintendent of Police,
Keelakarai,
Ramanathapuram District.

3.The Inspector of Police,
Sayalkudi Police Station,
Ramanathapuram District.

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

Crl.O.P. (MD)No.8803 of 2020

AP(04/09/2020) 3P 5C