



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.08.2020

CORAM:

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

CrI.O.P. (MD)No.9039 of 2020

WEB COPY

1.Chellandi @ Selvakumar  
2.Krishnasamy ... Petitioners/Accused 1 & 5

Vs.

1.The Deputy Superintendant of Police,  
Sattur, Virudhunagar District.

2.The State rep. by its  
The Inspector of Police,  
Elayirampannai Police Station,  
Virudhunagar District.  
(in Crime No.434 of 2020) ... Respondent/Complainant

3.Kaliraj ... 3<sup>rd</sup> Respondents/Defacto Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the Sessions Court (Special Court for SC/ST (POA) Act), Virudhunagar, to accept the surrender of the petitioners and consider the bail application on merits on the date of surrender in Crime No.434 of 2020 on the file of the respondent police.

For Petitioners : Mr.N.Mariappan  
For R-1 and R-2 : Mr.R.Erottuchamy  
Government Advocate (crl.side)

### O R D E R

This criminal original petition has been filed seeking a direction to direct the learned Sessions Judge (Special Court for SC/ST (POA) Act), Virudhunagar, to accept the surrender of the petitioners and consider the bail application on merits on the date of surrender in Crime No.434 of 2020 on the file of the respondent police.

2.The learned counsel appearing for the petitioners would submit that due to the previous enmity, the third respondent herein lodged a false complaint against the petitioners.



Consequently without enquiring the same, the second respondent police registered a case against the petitioners in Crime No. 434 of 2020 for the offences punishable under Sections 147, 148, 294 (b), 324, 307, 506(ii) of I.P.C and Section 3(1)(r), 3(1)(s), 3(2)(va) of SC/ST (POA) Amendment Act, 2015. In the said circumstances, the petitioners filed this petition seeking to pass an order of direction to consider the bail application filed by them on merits on the date of surrender.

3.The learned Additional Public Prosecutor appearing for the respondents 1 and 2, on instructions, would submit that the person, who sustained injury during the time of occurrence, is still in hospital and therefore, if the prayer sought for by the petitioners is granted in their favour, it would affect the process of investigation and in finding the truth involved in the complaint.

4.Upon considering the arguments advanced by either side, it is not in dispute that along with the other offence Section 307 of I.P.C has also been registered against the petitioners. Further for the said offence, Indian Penal Code provides punishment upto the level of life imprisonment. Therefore, considering the seriousness of the offence committed by the petitioners, if this type of application is allowed it would cause hindrance to the investigation. Therefore, considering the gravity of the offence committed by the petitioners, this Court is not inclined to allow this petition.

5.With the above observations, this Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar(CS-I)

// 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 Sessions Court,  
(Special Court for SC/ST - POA) Act,  
Virudhunagar.
2. The Deputy Superintendant of Police,  
Sattur, Virudhunagar District.
3. The Inspector of Police,  
Elayirampannai Police Station,  
Virudhunagar District.
4. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

CrI.O.P. (MD) No.9039 of 2020  
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scr(CO)  
TR(10.09.2020) 3P 5C