



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.09.2020

CORAM:

THE HONOURABLE Mr.JUSTICE R.PONGIAPPAN

CRL OP(MD)No.9316 of 2020

Sankarapandi,

... Petitioner / A12

Vs.

1.The Deputy Superintendent of Police,
Sattankulam Sub-Division,
Thoothukudi District.

2.The Inspector of Police,
Nazareth Police Station,
Thoothukudi District.
(Crime No.160 of 2018)

... Respondents 1 & 2 /
Complainants

3.P.Muthuraj

... 3rd Respondent /
De-facto complainant

PRAYER: Petition filed under Section 482 of Criminal Procedure Code, praying to direct the II Additional District and Sessions Judge (PCR Court), Tirunelveli, to consider the petitioner's bail application on the same day of his surrender in Crime No.160 of 2020, on the file of the second respondent Police.

For Petitioner

: Mr.S.Poornachandran

For R1 and R2

: Mr.M.Ganesan

Government Advocate (Crl. side)

O R D E R

This Criminal Original Petition has been filed seeking direction, to direct the II Additional District and Sessions Judge (PCR Court), Tirunelveli, to consider the petitioner's bail application on the same day of his surrender in Crime No.160 of 2020, on the file of the second respondent Police.

2.The learned counsel appearing for the petitioner would submit that originally, based on the complaint given by one P.Muthuraj / third respondent herein, who is an eyewitness to the occurrence, the second respondent Police had registered a case in Crime No.160 of 2020, for the offence under Sections 147, 148, 449, 294(b), 302 and 506(ii) I.P.C. and Section 3(1)(r), 3(1)(s) and 3(2)(v) of the Scheduled Castes and Scheduled Tribes [Prevention of Atrocities] Act, 1989, against six persons. Subsequently, the said offence has been altered into Sections 147, 148, 449, 294(b), 302, 506(ii) and 120-B I.P.C. read with Section 3(1)(r), 3(1)(s) and 3(2)(v) of the Scheduled Castes and Scheduled Tribes [Prevention of Atrocities] Amendment Act, 2015.

The case is for bail based on the confession given by the co-accused/A1,

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



the petitioner and six others have been implicated in the said case. He would further submit that in the complaint given by the third respondent/de-facto complainant, he has not made any specific allegations against the petitioner and therefore, it cannot be said that the petitioner is involved in the aforesaid offence. He would also submit that the co-accused in this case has already been released on bail and therefore, he prayed for allowing this Criminal Original Petition.

3.Per contra, the learned Government Advocate (Crl. side) appearing for the respondents 1 and 2, would submit that the investigation in this case is pending.

4.Upon considering the submissions made by the learned counsel appearing on either side, it is not in dispute that originally, the above said F.I.R. has been registered based on the complaint given by one P.Muthuraj/third respondent herein, who is an eyewitness to the occurrence, for the offences punishable under Sections 147, 148, 449, 294(b), 302 and 506(ii) I.P.C. and Section 3(1)(r), 3(1)(s) and 3(2)(v) of the Scheduled Castes and Scheduled Tribes [Prevention of Atrocities] Act, 1989, against six persons and thereafter, it has been altered into Sections 147, 148, 449, 294(b), 302, 506(ii) and 120-B I.P.C. read with Section 3(1)(r), 3(1)(s) and 3(2)(v) of the Scheduled Castes and Scheduled Tribes [Prevention of Atrocities] Amendment Act, 2015. Thereafter, based on the confession given by the co-accused/A1, the petitioner and six others have been implicated in the said case.

5.It is well settled proposition that F.I.R. is not an Encyclopedia, which is expected to contain all the details of the prosecution case. It may not and need not contain all the details. Though it was alleged on the side of the petitioner that a false case has been foisted against him based on the confession given by the co-accused/A1, without seeing the Final Report, it cannot be said that whether the petitioner is directly involved in the above said crime or not. Further, if these types of petitions are entertained, it will cause great prejudice to the investigation. Therefore, I am not inclined to entertain this Criminal Original Petition. Accordingly, this Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar (CS-III)

// 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 II Additional District and Sessions Judge
(PCR Court),
Tirunelveli.
- 2.The Deputy Superintendent of Police,
Sattankulam Sub-Division,
Thoothukudi District.
- 3.The Inspector of Police,
Nazareth Police Station,
Thoothukudi District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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KM (16.09.2020) 3P 5C