



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **01.09.2020**

CORAM:

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

CrI.O.P. (MD)No.9149 of 2020

WEB COPY

1.Iyyappan
2.Suresh
3.Muthu @ Esakkimuthu
4.Santhana Kumar ... Petitioners/Accused No.1 to 3 & 5
Vs.

1.The State
By the Deputy Superintendant of Police,
Nanguneri Division,
Tirunelveli District. ...1st respondent/Investigating Officer

2.The Inspector of Police,
Kalakkad Police Station,
Tirunelveli District. ... 2nd Respondent/Complainant

3.Manikandan ... 3rd Respondent/ De facto Complainant

4.Perumal ... 4th Respondent/Injured

PRAYER : Criminal Original Petition filed under Section 482 of Cr.P.C, to direct the II Additional District & Sessions Judge (Special Court for PCR Cases), Tirunelveli, to consider their bail application on the same day of their surrender in respect of Crime No.515 of 2020 on the file of the second respondent pending investigation.

For Petitioners : Mr.D.Venkatesh

For R-1 and R-2 : Mr.R.Erottuchamy
Government Advocate (CrI.Side)

ORDER

This Criminal Original Petition has been filed seeking a direction to direct the learned II Additional District & Sessions Judge (Special Court for PCR Cases), Tirunelveli, to consider the petitioners bail application on the same day of their surrender in respect of Crime No.515 of 2020 on the file of the second respondent.



2.Today, when the petition is taken up for hearing, the learned counsel for the petitioners would submit that the petitioners 2 and 3 were arrested by the respondents police on 31.08.2020.

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3.Recording the said submission made by the petitioner, the petition in respect to the petitioners No.2 and 3 are dismissed. In otherwise, in respect to others 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 1 and 4 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 II Additional District & Sessions Judge (Special Court for PCR Cases), Tirunelveli, shall deal and dispose the matter on the same day on merits and in accordance with law.

4.In due compliance of Section 15-A of the SC/ST Act, the petitioners 1 and 4 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.

5.This Criminal Original Petition is dismissed as against the petitioners 2 and 3 and in respect of the petitioners 1 and 4 this criminal original petition is disposed of with the above directions.

Sd/-

Assistant Registrar(CS-III)

// 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.

