



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P (MD)No.11506 of 2020

1.Aranganayagi

2.Prabakaran

3.Radhika

4.Saravanan

... Petitioners/Accused Nos.2 to 5

Vs

1.The Deputy Superintendant of Police,
Deputy Superintendant of Police Office,
Thiruverambur Sub Division,
Trichy District.

2.The Inspector of Police,
AWPS Thiruverambur Police Station,
Thiruverambur,
Trichy District.
(Crime No.22 of 2020)

... Respondents 1 & 2/Complainant

3.Gangadevi

... Respondent 3/Defacto Complainant

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to direct the learned 1st Additional District and Sessions Judge (Special Court for Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989), Trichy to accept the surrender of the petitioners / accused No.2 to 5 and consider the petitioner's bail application and grant bail on the date of surrender itself in Crime No.22 of 2020, dated 09.09.2020 on the file of the second respondent police.

For Petitioners: Mr.R.Karthic Rajan

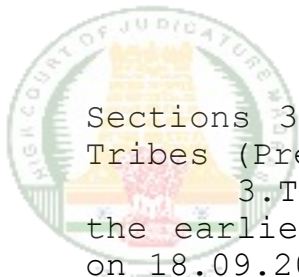
For R1 & R2 : Mr.V.Neelakandan

Additional Public Prosecutor

ORDER

Heard the learned counsel on either side.

2.The petitioners are shown as Accused Nos.2 to 5 in Crime No.22 of 2020 registered on the file of the Inspector of Police, AWPS Thiruverambur Police Station, Trichy District, for the offences under Sections 147, 376, 506(1) and 496 of IPC r/w



Sections 3(1)(s) and 3(1)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015.

3.The learned Additional Public Prosecutor points out that the earlier petition filed by the petitioners herein was dismissed on 18.09.2020. He therefore strongly opposed the grant of relief in this case.

4.Though the objection raised by the learned Additional Public Prosecutor is strong, the only relief that is being granted in this petition is to direct the Court below to consider the bail application to be filed by the petitioners on the same day of surrender. The Court below will also hear the defacto complainant before passing orders.

5.The petitioner's counsel states that the petitioners will surrender before the Court below on 02.11.2020.

6.The respondent police is directed to intimate the defacto complainant about the proposed surrender of the petitioners. It is open to the petitioners also to independently issue advance notice to the defacto complainant through registered post. It is also submitted that the main accused has since been granted bail. The overt tact attributed to the petitioner does not appear to be that serious.

7.Therefore, I am of the view that this Court can grant relief as sought for. The petitioners are permitted to surrender before the jurisdictional Special Court within a period of four weeks from the date of receipt of a copy of this order. The learned Special Judge will dispose of the petitioner's bail petition on the same day of surrender. Since this direction will become infructuous, if the petitioners are arrested in the meanwhile, the respondents 1 and 2 are restrained from arresting the petitioners till the expiry of the period of four weeks.

8. This Criminal Original Petition is allowed on these terms.

Sd/-

Assistant Registrar (Crl.Side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

rmi

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 1st Additional District and Sessions Court,
(Special Court for SC & ST (Prevention of Atrocities)Act, 1989),
Trichy.
- 2.The Deputy Superintendant of Police,
Deputy Superintendant of Police Office,
Thiruverambur Sub Division,Trichy District.
- 3.The Inspector of Police,
AWPS Thiruverambur Police Station,
Thiruverambur, Trichy District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.R. KARTHIC RAJAN, Advocate (SR-20412[F] dated
16/10/2020)

Crl.O.P (MD)No.11506 of 2020

ARK(CO)
NR (02/11/2020) 3P : 6C