



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.12.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

CrI.O.P (MD)No.13333 of 2020

WEB COPY

- 1) Saravanan
- 2) Santhosh @ Santhosh Kumar
- 3) Gopi @ Gopinath
- 4) Poornavel @ Yogesh

... Petitioners

vs.

- 1) State represented through the
Deputy Superintendent of Police,
Periyakulam,
Theni District.

- 2) The Inspector of Police,
Periyakulam Police Station,
Theni District.
(Crime No.1712 of 2020)

- 3) Aravindan

... Respondents

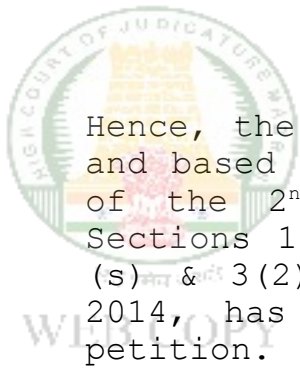
PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to direct the learned Special Sessions Court (SC/ST Cases), Theni, to consider the bail application of the petitioners on the same day of surrender in Crime No.1712 of 2020 on the file of the 2nd respondent Police Station.

For Petitioners	: Mr.M.Prabhu
For R1 & R2	: Mr.V.Neelakandan
	Additional Public Prosecutor

ORDER

The present petition has been filed to direct the learned Special Sessions Court (SC/ST Cases), Theni, to consider the bail application of the petitioners on the same day of surrender in Crime No.1712 of 2020 on the file of the 2nd respondent Police Station.

2.The allegation against the petitioner is that on 14.11.2020 about 03.30 p.m., during Diwali celebration, the 3rd respondent/defacto complainant fired the crackers in front of the 1st accused petty shop, in which, there was a wordy quarrel between them and thereafter, at the instigation of the 1st accused, 2nd accused came to the occurrence and at that time, the petitioners abused the defacto complainant in filthy language using his caste name and attacked the father of the defacto complainant by hands, due to which, the defacto complainant's father died on the spot.



Hence, the 3rd respondent lodged a complaint against the petitioners and based on the same, a case in Crime No.1712 of 2020 on the file of the 2nd respondent/police for the offences punishable under Sections 147, 294(b), 323, 302, 109 IPC r/w Sections 3(1)(r), 3(1)(s) & 3(2)(v) of SC/ST (Prevention of Atrocities) Ordinance Act, 2014, has been registered against the petitioner. Hence, this petition.

3.The learned Additional Public Prosecutor would state that totally there are 7 accused in the above crime number and the petitioners are A3 to A5 and A7 and A1, A2 and A6 were arrested on 15.11.2020 and they are still in custody and there is no previous case against these petitioners.

4.Heard the learned counsel for the petitioners as well as the learned Additional Public Prosecutor. Since no adverse order is going to be passed against the 3rd respondent, notice to him is not necessary.

5.Considering the abovesaid facts and circumstances of the case, I am of the view that ends of justice would be met by permitting the petitioners to surrender before the learned Special Sessions Court (SC/ST Cases), Theni, within a period of eight weeks from the date of receipt of a copy of this order. The learned Judge shall dispose of the petitioners' bail petition on the same day of surrender on its own merits. There will be a direction to the respondents/Police not to arrest the petitioners till the expiry of the period of eight weeks.

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

Sd/-

Assistant Registrar

// True Copy //

/ /2021

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 Special Sessions Court (SC/ST Cases), Theni.

2) The Deputy Superintendent of Police,
Periyakulam,
Theni District.

3) The Inspector of Police,
Periyakulam Police Station,
Theni District.

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

+1cc to Mr.M.Prabhu, Advocate Sr.No.26162

ORDER MADE IN
Crl.O.P (MD) No.13333 of 2020
DATED : 16.12.2020

VB (05.01.2021) 3P 6C