



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **08.12.2020**

CORAM:

THE HONOURABLE MRS.JUSTICE **J.NISHA BANU**

Crl.O.P.(MD)No.14258 of 2020

1.Kumar @ Vasanthakumar

2.Vadivel

... Petitioners / Accused Nos.5 & 6

Vs.

1.The Deputy Superintendent of Police,
Thiruchuli Division,
Virudhunagar District.

2.The State rep. by
The Sub Inspector of Police
Narigudi Police Station,
Virudhunagar District.

(Crime No.40 of 2018) ...Respondents/ Respondent

3.Krishnan

...Respondent/Defacto Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to pass an order permitting the petitioners to surrender and accept the bail application filed by the petitioners before the III Additional District Court (PCR), Srivilliputhur, in P.R.C.No.32 of 2020 connection with Crime No.40 of 2018 on the file of the respondent police and in the event of filing the same, the said application may be directed to be considered on the same day on merits and in accordance with law forthwith.

For Petitioners : Mr.A.Uthayakumar

For Respondents 1 & 2 : Mr.V.Neelakandan

Additional Public Prosecutor

ORDER

The petitioners are shown as Accused Nos.5 & 6 in Crime No.40 of 2018 registered on the file of the Inspector of Police, Narigudi Police Station, Virudhunagar District, for the offences under Sections 147, 148, 323, 324, 326, 294(b), 506(ii) of IPC and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015.

2. Considering the present times, notice to the third respondent is dispensed with.

3. The learned counsel appearing for the petitioners reiterated the contentions set out in the original petition. He would further submit that originally the petitioners name was not found in the FIR and subsequently, their name was included in the final report.



4. The learned Additional Public Prosecutor appearing for the respondents 1 and 2, on instructions, would submit that the absconding charge sheet has been laid against the petitioners / Accused Nos.5 & 6 and there is no previous case as against the petitioners.

WEB COPY

5. I am of the view that interest of justice will be served by permitting the petitioners to surrender before the learned III Additional District Judge, PCR Court, Srivilliputhur, within a period of eight weeks from the date of receipt of a copy of this order. The learned III Additional District Judge, PCR Court, Srivilliputhur, will dispose of the petitioners' bail petition on the same day of surrender on its own merits. There will be a direction to the respondents 1 and 2 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 (CSII)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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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 III Additional District Judge(PCR), Srivilliputhur.

2.The Deputy Superintendent of Police,
Thiruchuli Division,
Virudhunagar District.

3.The Sub Inspector of Police
Narigudi Police Station,
Virudhunagar District.

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

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