



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.12.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

Crl.O.P(MD)No.14391 of 2020

WEB COPY

Ganga @ Gangatharan

... Petitioner

vs.

1)The Deputy Superintendent of Police,
Tirunelveli Rural Sub-Division,
Tirunelveli District.

2)The Inspector of Police,
Thalaiyuthu Police Station,
Tirunelveli District.
(Cr.No.393 of 2020)

3)Manikandan

... Respondents

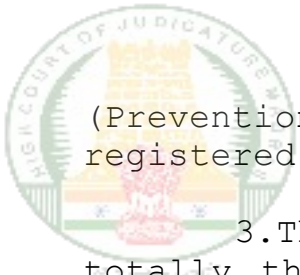
PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to direct the learned II Additional Sessions Court (PCR Act Cases), Tirunelveli, to consider the bail application of the petitioners/accused in Crime No.393/2020 on the file of the respondent Police on their surrender on the same day on merits.

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

ORDER

The present petition has been filed to direct the learned II Additional Sessions Court (PCR Act Cases), Tirunelveli, to consider the bail application of the petitioner/accused in Crime No.393/2020 on the file of the respondent/Police on his surrender on the same day on merits.

2.The allegation against the petitioner is that on 24.11.2020 about 08.00 p.m., when the 3rd respondent/defacto complainant's son Sudalaimani was playing free fire game, the petitioner/accused along with another accused used filthy language by using caste name and attacked him brutally with stick, thereby the said Sudalaimani sustained injuries on his neck and head and he was taken to Government Hospital, Tirunelveli. Hence, the 3rd respondent lodged a complaint against the petitioner and another and based on the same, a case in Crime No.393 of 2020 for the offences punishable under Sections 147, 148, 294(b), 323, 307 and 506(c) and 506(d) of IPC and Section 3(1)(r), 3(1)(s) & 3(2)(va) of SC/ST



(Prevention of Atrocities) Amendment Act, 2015, has been registered against the petitioner. Hence, this petition.

3.The learned Additional Public Prosecutor would state that totally there are two accused in the above crime number and the petitioner is A2 and A1 was arrested on 26.11.2020 and he is still in custody and the injured is discharged from the hospital and there is no previous case against this petitioner.

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 petitioner to surrender before the learned II Additional Sessions Court (PCR Act Cases), Tirunelveli, within a period of eight weeks from the date of receipt of a copy of this order. The learned Judge shall dispose of the petitioner's 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 petitioner till the expiry of the period of eight weeks.

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

Sd/-

Assistant Registrar (AD I)

// 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 II Additional Sessions Judge(PCR Act Cases)
Tirunelveli.

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



2)The Deputy Superintendent of Police,
Tirunelveli Rural Sub-Division,
Tirunelveli District.

3)The Inspector of Police,
Thalaiyuthu Police Station,
Tirunelveli District.

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

ORDER MADE IN
Crl.O.P(MD)No.14391 of 2020
DATED : 15.12.2020

KM (28.12.2020) 3P 5C