



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.12.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

CrI.O.P (MD) No.15086 of 2020

1.Pandiyan
2.Aishwarya
3.Chellam
4.Sri Devi
5.Maheshwari

... Petitioners/Accused Nos 2 to 6

Vs.

1.The Deputy Superintendent of Police,
Uthamapalayam, Theni.

2.The Inspector of Police,
Uthamapalayam Police Station,
Theni District.

Cr.No.09 of 2020 ...Respondents/Complainants

3.L.Saritha ...3rd Respondent/Defacto Complainant

PRAYER: Petition filed under Section 482 Cr.P.C., to accept the surrender of the petitioners before the Special Court for S.C/S.T. Atrocities Act i.e., The District and Sessions Judge (Special Court for P.C.R. Cases)-Theni, in connection with the crime No.09 of 2020 on the file of the respondent police and to consider the bail application filed by the petitioners on the same day.

For Petitioners : Mr.A.Joseph Jerry
For R1 & R2 : Mr.V.Neelakandan
Additional Public Prosecutor

ORDER

The petitioners are accused in crime No.09 of 2020 registered on the file of the second respondent police, for the offences under Sections 417, 376, 294(b), 323, 506(ii) IPC r/w Section 3(1)(f), 3(1)(s), 3(2)(v) of SC/ST (Prevention of Atrocities) Amendment Act, 2015.

2.The learned counsel appearing for the petitioners reiterated the contentions set out in the original petition.

3.The learned Additional Public Prosecutor appearing for the 1st and 2nd respondents, on instructions, would submit that no one injured in the alleged occurrence and no previous case is pending against the petitioners. He would further submit that he has no objection for allowing this petition.



4.Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor (Crl. Side) appearing for the respondents 1 & 2. Since no adverse order is going to be passed, notice to the 3rd respondent is dispensed with.

5.I am of the view that interest of justice will be served by permitting the petitioners to surrender before the learned District and Sessions Judge (Special Court for P.C.R. Cases)-Theni within a period of eight weeks from the date of receipt of a copy of this order on notice to the defacto complainant. The learned District Judge 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 //

/ /2021

Sub Assistant Registrar(CS)

gns

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 District and Sessions Judge
(Special Court for P.C.R. Cases), Theni
- 2.The Deputy Superintendent of Police,
Uthamapalayam, Theni.
- 3.The Inspector of Police,
Uthamapalayam Police Station,
Theni District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P (MD)No.15086 of 2020
17.12.2020

SJ(CO)

KB(05.01.2021) 2P 5C