



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.12.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

Crl.O.P (MD) No.15354 of 2020

Aribharathi

...Petitioner/Accused

Vs

1.The Deputy Superintendent of Police,
Kamuthi Sub Division,
Ramanathapuram District.

2.The State rep by
The Sub Inspector of Police,
Kamuthi Police Station,
Ramanathapuram District.
(In Crime No.432 of 2020)

...1st & 2nd Respondents/
Respondents

3.Bharathi

...3rd Respondent/Defacto
Complainant

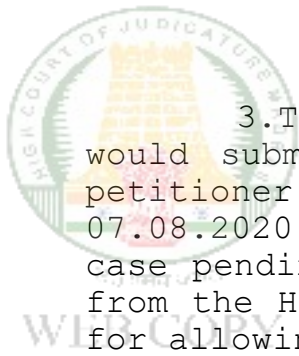
PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to permit the petitioner to surrender and accept the Bail application filed by the petitioner before the Special Court for SC & ST(POA) Act, Ramanathapuram in connection with Crime No.432 of 2020, on the file of the 2nd respondent police 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 Petitioner	: Mr.A.Uthayakumar
For R1 & R2	: Mr.V.Neelakandan
	Additional Public Prosecutor (Crl.side)

O R D E R

The petitioner is apprehending arrest at the hands of the respondent police for the alleged offences under Sections 341, 147, 148, 294(b), 323, 324, 506(ii) & 307 IPC and Sections 3(1)(r), 3(1)(s), 3(2)(va) of SC/ST (Prevention of Atrocities) Amendment Act, 2015. It is specifically stated that though the petitioner's name was not found in First Information Report and subsequently his name was uttered in the confession statement of co-accused.

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



3.The learned Additional Public Prosecutor, on instructions, would submit that totally there are 7 accused in this case. The petitioner is A5. The accused Nos.2, 3, 6 and 7 were arrested on 07.08.2020 and released on bail on 30.08.2020. There is no previous case pending against the petitioner. Two injured persons discharged from the Hospital. He would further submit that he has no objection for allowing this petition.

4.Heard the learned counsel for the petitioner 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 3rd respondent is dispensed with.

5.I am of the view that interest of justice will be served by permitting the petitioner to surrender before the learned Judge, Special Court for SC & ST(POA) Act, Ramanathapuram, within a period of four 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 petitioner's 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 petitioner till the expiry of the period of four weeks.

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

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

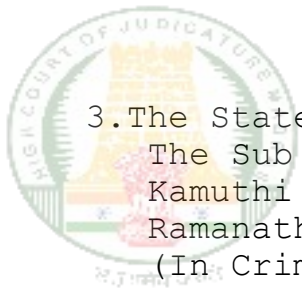
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NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Special Judge,
Special Court for SC & ST(POA) Act,
Ramanathapuram.

2.The Deputy Superintendent of Police,
Kamuthi Sub Division,
Ramanathapuram District.



3.The State rep by
The Sub Inspector of Police,
Kamuthi Police Station,
Ramanathapuram District.
(In Crime No.432 of 2020)

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

Crl.O.P(MD)No.15354 of 2020
21.12.2020

(KUN) CO

AP(28/12/2020) 3P 5C