



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.12.2020

CORAM:

**THE HONOURABLE MR.JUSTICE G.ILANGOAN**

CrI.O.P (MD)No.16148 of 2020

T.Balakrishnan

... Petitioner/Accused No.4

Vs.

1.The Deputy Superintendent of Police,  
Valliyur Range,  
Tirunelveli District.

2.The Inspector of Police,  
Koodangulam Police Station,  
Tirunelveli District.

(Crime No.363 of 2020) ...1<sup>st</sup> & 2<sup>nd</sup> Respondent/Complainant

3.Kathiravan

...3<sup>rd</sup> Respondent/Defendent (Victim)

4.Murugan

5.Murugesan

6.Subharani

...4 to 6 Respondent/Victim

**PRAYER:** Petition filed under Section 482 Cr.P.C., to direct the learned Second Additional District and Sessions Judge-cum- Special Court for trial of SC/ST (PoA) Act Cases, Tirunelveli, to accept the surrender of the petitioner/Accused and consider the petitioner's bail application on the date of surrender itself in Crime No.363 of 2020 on the file of second respondent police.

For Petitioner : Mr.K.Sivabalan

For R1 & R2 : Mr.R.Seenivasan

Government Advocate

### **ORDER**

The petitioner is the fourth accused in Crime No.363 of 2020, registered on the file of second respondent police, for the offences under Sections 147, 148, 294(b), 323, 324, 427 and 506(ii) of the Indian Penal Code, 1860 along with Section 4 of Prohibition of Harassment of Women Act, 2002, Section 3 of Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992, and Sections 3, 3(1)(r), 3(1)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act 2015.

2.The learned counsel appearing for the petitioner reiterated the contentions set out in the original petition. He would further submit that this Court has granted the relief to the co-accused viz. Accused Nos.3, 5, 6, 9, 10, 22, 18, 12 and 13 in CrI.O.P.(MD) No.14889 of 2020 on 16.12.2020 and the direction issued therein has



been complied with by them.

3.The learned Government Advocate appearing for the 1<sup>st</sup> and 2<sup>nd</sup> respondents, on instructions, would submit that totally there are 23 accused in this case and the petitioner is the fourth accused. The injured person was 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 Government Advocate appearing for the respondents 1 & 2. Since no adverse order is going to be passed, notice to the respondents 3 to 6 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 Second Additional District and Sessions Judge-cum- Special Court for trial of SC/ST (PoA) Act Cases, Tirunelveli, within a period of eight weeks from the date of receipt of a copy of this order. The learned District Judge will dispose of the petitioner's bail petition on the same day of surrender on its own merits, after complying with Section 15A(5) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act 2015.

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

Sd/-

Vacation officer(CS-II)

// 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 Second Additional District and Sessions Judge  
-cum- Special Court for trial of SC/ST (PoA) Act Cases,  
Tirunelveli.
- 2.The Deputy Superintendent of Police,  
Valliyur Range,  
Tirunelveli District.



3.The Inspector of Police,  
Koodangulam Police Station,  
Tirunelveli District.

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

Crl.O.P (MD) No.16148 of 2020  
30.12.2020

NS (CO)  
KB (05.01.2021) 3P 5C