

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 05.05.2021

CORAM

THE HONOURABLE Mr.JUSTICE G.R.SWAMINATHAN

Crl.O.P.No.8578 of 2021

1.Arunkumar
2.Ramachandran @ Mohankumar
3.Nabi @ Mohammed Nabi
4.Yushp @ Mohammed Yushp .. Petitioners

Vs.

State rep. by
The Inspector of Police,
Rasipuram Police Station,
Namakkal District.
(Crime No.490 of 2021) .. Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the learned Principal Sessions and District Judge, (Special Judge), SC/ST Act cases, Namakkal District to consider the bail application filed by the petitioners on their surrender in connection with Crime No.490 of 2021 on the file of the respondent police on the same day.

For Petitioners : Mr.W.Camyles Gandhi
For Respondent : Mrs.Saradha
Government Advocate

O R D E R

Heard, the learned counsel on either side. The petitioners are figuring as Accused Nos.1, 4, 10 & 11 in Crime No.490 of 2021, on the file of the respondent police, for the offences under Sections 147, 148, 294(b), 323, 324 & 307 of IPC, r/w.3(i) (s), 3(2) (v) of SC/ST (POA) Amendment Act, 2015.

2.The learned Government Advocate appearing for the respondent points out that the victim is still in hospital and he has not been discharged. It is seen that the case and the counter case has been registered.

3.In view of the amendments made in the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, this Court is of the view that the usual directions that were issued by this Court cannot be issued routinely in all cases. Therefore, the petitioners are directed to surrender before the

trial Court within a period of two weeks from the date of receipt of a copy of this order and on such surrender, the learned Principal Sessions and District Judge, SC & ST Court, Namakkal, shall deal with the matter on the same day on merits and in accordance with law. The notice to the victim under Section 15(A) of the SC/ST Act can be issued in advance by informing their date of surrender by the petitioner. The postal receipt and the acknowledgement card / returned cover shall be enclosed with the surrender petition. Notice shall be sent by the petitioners to the last known correct address of the victim.

4.This Criminal Original Petition is disposed of with the above directions.

-s/d-

First Vacation Officer
/Assistant Registrar

True Copy

Sub-Assistant Registrar

mtl/sk

To

1. The Principal Sessions and District Judge, SC & ST Court, Namakkal
2. The Inspector of Police, Rasipuram Police Station, Namakkal District.
3. The Public Prosecutor, High Court, Madras.

+ 1 cc to Mr. W. Camyles Gandhi, Advocate Sr.5798

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