



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE ON WHICH RESERVED : 27.04.2021

DATE ON WHICH PRONOUNCED : 21.05.2021

CORAM:

THE HON'BLE MR JUSTICE G.ILANGO VAN

Crl.O.P.(MD)No.5584 of 2021

1.Flarence
2.Irudhyaraj

... Petitioners/Accused Nos.4 & 6
Vs.

The State rep by

1.The Deputy Superintendent of Police,
Keelakarai,
Ramanathapuram District.

2.The Inspector of Police,
Keelaselvanoor Police Station,
Ramanathapuram District.
(Crime No.15 of 2021)

... Respondents 1 & 2/Complainant

3.Soorammal

... Defacto Complainant/Victim

Prayer:Criminal Original Petition is filed under Section 482 Cr.P.C., to direct the learned Principal Sessions Judge Cum PCR, Ramanathapuram to accept the surrender of the petitioner and consider the bail application on the date of surrender in Crime No.15 of 2021 on the file of the second respondent police on the very same day.

For Petitioners : Mr.J.Vishnu
For R1 & R2 : Mr.K.Suyambulinga Bharathi
Government Advocate (Crl.Side)

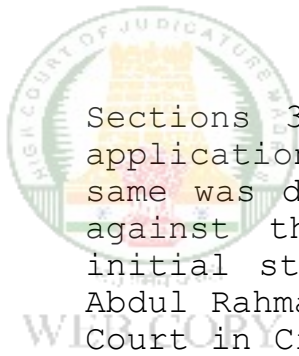
ORDER

This Criminal Original Petition has been filed to direct the learned Principal Sessions Judge Cum PCR, Ramanathapuram to accept the surrender of the petitioner and consider the bail application on the date of surrender in Crime No.15 of 2021 on the file of the second respondent police on the very same day.

2. The petitioners are facing prosecution under Sections 306, 498 (a) of IPC r/w 3 (1) (r), 3(1) (s), 3(2) (v), 3 (1) w (i) of SC/ST Prevention of Atrocities Amendment Act, 1989, on the file of the second respondent police.

3. Heard both sides.

4. At the time of argument, it has been brought to the notice of this Court that the First Information Report was registered under



Sections 306 and 109 IPC, the petitioners filed an anticipatory application before this Court in Crl.OP(MD)No.2756 of 2021 and the same was dismissed on the ground that serious offences are alleged against this petitioner and the investigation was also at the initial stage, later, the third accused namely, Thillai Rahman @ Abdul Rahman filed another anticipatory bail application before this Court in Crl.OP(MD)No.2899 of 2021, which was allowed on 08.03.2021. Subsequently, the offence has been altered to Sections 3 (1) (r) , 3 (1) (s), 3 (2) (v), 3 (1) w (I) of SC/ST POA Act, 1989, were attracted.

5. Now, according to the petitioners, earlier anticipatory bail application filed by the petitioners was dismissed. Due to the change of circumstance, a direction may be given to the concerned Court to consider the bail application on the same day itself. But, I am of the considered view that such a contention can not be accepted. Originally, the investigation was conducted for the offence under Section 306 IPC. Considering the gravity of the offence, anticipatory bail application was dismissed. Even though, offences under the Special Act was included, later, it may not be proper on the part of this Court to give a direction to the concerned Special Court to consider the bail application on the date of surrender itself, which will amount to improper exercise of jurisdiction. So, it cannot be adopted by this Court.

6. The learned counsel for the third respondent would submit that the husband of the victim/second accused namely, Pravin also committed suicide. The overt act attributed against the petitioners is serious in nature. But, the merit of the case cannot be discussed by this Court, in this petition and it is not the petition to make proper arguments before the concerned Court at the time of moving bail application.

7. So, I am of the considered view that this is not a fit case to give a direction to the Special Court namely, the Special Sessions Judge, PCR, Ramanathapuram to consider the bail application of the petitioners on the same date of the surrender itself. So, the petition is liable to be dismissed.

8. In the result, this Criminal Original Petition stands dismissed and the petitioners are at liberty to move the Trial Court for appropriate remedy.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



dss

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 Principal Sessions Judge Cum PCR,
Ramanathapuram.
- 2.The Deputy Superintendent of Police,
Keelakarai,
Ramanathapuram District.
- 3.The Inspector of Police,
Keelaselvanoor Police Station,
Ramanathapuram District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P.(MD)No.5584 of 2021

21.5.2021

CN(15.06.2021) 3P 5C