



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **05.07.2021**

CORAM:

THE HONOURABLE MR.JUSTICE **G.ILANGOVA**

Crl.O.P. (MD)No.8215 of 2021

WEB COPY

1.Ajithkumar

2.Kannan @ Alagumalai Kannan

... Petitioners/A1 & A2

Vs.

1.The Deputy Commissioner of Police,
Dindigul Rural,
Dindigul District.

2.The Inspector of Police,
Shanarpatti Police Station,
Dindigul District

(In Crime No.536 of 2021) ...1st and 2nd Respondents/Complainants

3.Vadivel ... 3rd Respondent/Defacto Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the learned Special Court for the Exclusive Trial of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act Cases, Dindigul to accept the surrender of the petitioners and consider the petitioner's bail applications and grant bail on the same date of surrender itself in connection with Crime No.536 of 2021 on the file of the second respondent Police.

For Petitioners : Mr.Mayilvahana Rajendran

For R-1 and R-2 : Mr.R.M.Anbunidhi

Additional Public Prosecutor

O R D E R

This petition has been filed to direct the Special Court for the Exclusive Trial of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act Cases, Dindigul to accept the surrender of the petitioners and consider the bail applications on the date of surrender in connection with Crime No.536 of 2021 on the file of the second respondent Police.

2. The petitioners are the accused 1 and 2 in Crime No.536 of 2021 on the file of the second respondent for the offences punishable under Sections 294(b), 323, 324 & 506(ii) of I.P.C and r/w 3(1)(r), 3(1)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. Mr.R.M.Anbunithi, learned Additional Public Prosecutor

<https://hcservices.ecourts.gov.in/hcservices/>



accepts notice for the respondents 1 and 2. The learned Additional Public Prosecutor submits that even though injured has been discharged from the hospital, the first petitioner is involved in the following three previous cases:

- WEB COPY
- i) In Crime No.518 of 2020 for the offences under Sections 341, 294(b), 323, 506(i) and 379 IPC
 - ii) In Crime No.145 of 2019 for the offences under Sections 294(b), 487 and 506(ii) IPC
 - iii) In Crime No.1030 of 2020 for the offences under Sections 147, 341, 294(b), 387 and 506(ii) IPC.

So far as the second petitioner is concerned, the learned Additional Public Prosecutor submits that, no previous case is pending against the second petitioner.

4. Considering the fact that the first petitioner has involved in three previous cases in similar nature, this Court is not inclined to issue a direction.

5. Considering the facts and circumstances of the case, this Court is inclined to pass the following orders in respect of the second petitioner alone:-

1)The second petitioner shall appear before the Special Court for the Exclusive Trial of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act Cases, Dindigul, within a period of 15 days from the date of receipt of a copy of this order.

2)On such surrender along with notice served to the defacto complainant, the concerned Judge shall consider the bail application filed by the second petitioner and pass orders on merits on the same day of his surrender, after hearing the defacto complainant by complying with Section 15 (5) of the Act.

6. With the above observation, this Criminal Original Petition is allowed in respect of the second petitioner alone. In respect of the first petitioner, this petition is dismissed.

Sd/-

Assistant Registrar ()

// 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 Special Court for the Exclusive Trial of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act Cases,
Dindigul

2.The Deputy Commissioner of Police,
Dindigul Rural,
Dindigul District.

3.The Inspector of Police,
Shanarpatti Police Station,
Dindigul District

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

Crl.O.P. (MD)No.8215 of 2021
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