



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.07.2021

CORAM :

THE HONOURABLE Mr. JUSTICE G.ILANGOVAN

Cr1.O.P. (MD)No.8989 of 2021

WEB COPY

Bharathi ... Petitioner/Accused No.3
Vs.

1. The Deputy Superintendent of Police,
Samayanallur,
Madurai District.

2. The State Rep by
The Inspector of Police,
Alanganallur Police Station,
Madurai District.

(Crime No.285 of 2021) ... Respondents 1 & 2/Complainants

3. V.Ilambbarithi ... 3rd Respondent/Defacto Complainant

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the III Additional District Sessions Judge and (Special Court for Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, Madurai to accept the surrender of the petitioner and consider his bail application and grant bail on the same date of surrender itself in connection with the case in Crime No.285 of 2021 registered on 15.06.2021 on the file of the 2nd Respondent Police.

For Petitioner : Mr.J.Lawrance

For Respondents 1 & 2 : Mr.R.M. Anbunithi

Additional Public Prosecutor

ORDER

This petition is filed to direct the III Additional District Judge and (Special Court for Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, Madurai to accept the surrender of the petitioner and consider his bail application and grant bail on the same date of surrender itself in connection with the case in Crime No.285 of 2021 registered on 15.06.2021 on the file of the 2nd Respondent Police.

2. The learned counsel for the petitioner would submit that the petitioner also belongs to the defacto complainant's community namely, Scheduled Tribes. So, the offence under Section Special Act are not attracted against the petitioner. So, on that ground, he seeks a direction to the Special Court to consider his bail application presented by him on the date of his surrender. The major



offences that has been mentioned in the First Information Report, apart from the offence under Special Act are 147, 148, 294 (b), 323, 324, 427 and 506 (ii) IPC.

3.The learned Additional Public Prosecutor would submit that the petitioner is involved in a murder case and it is pending and so, on this ground, he makes objection to give a direction.

4. Though the offence under the Special Act are not attracted against the petitioner, considering the antecedents of the petitioner, discretionary relief of a direction, cannot be given to him. So, on that ground, this petition deserves dismissal and accordingly, the same is dismissed.

Sd/-

Assistant Registrar (AS)

// 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 III Additional District Sessions Judge and
(Special Court for Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act, 1989,
Madurai.

2. The Deputy Superintendent of Police,
Samayanallur,
Madurai District.

3. The Inspector of Police,
Alanganallur Police Station,
Madurai District.

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

+1 CC to M/s.J.LAWRANCE, Advocate (SR-23602[F] dated 23/07/2021)

CrI.O.P. (MD)No.8989 of 2021

22.07.2021

RC (02.08.2021) 2P-6C