



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 22.07.2021

CORAM:

THE HON'BLE MR JUSTICE G.ILANGOVAN

Crl.O.P.(MD)No.9282 of 2021

1.Gokul
2.Vimalraj ... Petitioners/Accused Nos.2 & 3

Vs.

1.The Deputy Superintendent of Police,
Periyakulam Sub Division,
Theni District.

2.The Sub Inspector of Police,
Jeyamangalam Police Station,
Theni District.
(Crime No.204 of 2021) ... Respondents 1 & 2 / Complainants

3.Ramasamy ... 3rd Respondent/Victim

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to direct the Special Court for SC/ST (Prevention of Atrocities) Act, Theni, to accept the surrender of the petitioners in connection with the Crime No.204 of 2021 on the file of the 2nd Respondent Police and to consider the petitioners' bail application on the same day.

For Petitioners : Mr.R.Shankar Ganesh
for M/s.Dictum Law Firm

For R1 & R2 : Mr.R.M.Anbu Nithi,
Additional Public Prosecutor.

ORDER

The petitioners are the accused Nos.2 & 3 in Crime No.204 of 2021 of Jeyamangalam Police Station, Theni District, and the offences alleged against the accused are under Sections 147, 148, 294 (b), 323, 324, 506 (ii) IPC and r/w 3 (1) (r) , 3 (1) (s) and 3 (2) (va) of SC/ST Act (Prevention of Atrocities) Amendment Act, 2015.

2. The present petition filed by the petitioners is to direct the learned Special Court for SC/ST (Prevention of Atrocities) Act, Theni, to accept the surrender of the petitioners and also to consider the bail application on the same day.



3. The learned Additional Public Prosecutor accepts notice for the respondents 1 and 2. The third respondent is the de-facto complainant.

4. Heard the learned Additional Public Prosecutor appearing for the respondents 1 & 2 and the learned counsel appearing for the petitioners.

5. On 14.06.2021, two occurrences took place. One at 02.00 p.m and another at 03.00 p.m. In respect of the occurrence at 02.00 p.m, information has been received at 05.30 p.m and a case in Crime No.204 of 2021 for the offences punishable under Sections 147, 148, 294 (b), 323, 324, 506 (ii) IPC and r/w 3 (1) (r) , 3(1) (s) and 3 (2) (va) of SC/ST Act (Prevention of Atrocities) Amendment Act, 2015, has been registered against these petitioners. Similarly for the occurrence at 03.00 p.m, a case has been registered at 11.00 p.m in Crime No.207 of 2021 for the offences punishable under Sections 147, 148, 341, 294 (b), 324, 307, 427 and 506 (ii) IPC r/w 3 (1) (r) , 3 (1) (s) and 3 (2) (v) of the SC/ST (Prevention of Atrocities) Amendment Act, 2015, Act.

6. The learned counsel for the petitioners would submit that in both the occurrences, counter complaints have been given by the petitioners and only in respect of second occurrence, counter complaint has been registered in Crime No.208 of 2021 for the punishable offences under Sections 147, 148, 294 (b), 323, 324 and 506 (ii) IPC against the complainant's party. In respect of the first occurrence, no complaint has been registered against the complainant's party.

7. According to the learned counsel for the petitioners, it is a case in counter. In respect of second occurrence, counter complaint has also been given before the second Respondent. In such circumstances, who are the aggressor, is a matter to be find out, only during the course of investigation. So, he seeks a direction, on this point.

8. Considering the facts and circumstances of the case and considering the fact that it is a case in counter and complaints have been registered in both the cases and the prayer itself is to accept the surrender of the petitioners and consider the bail application, this Court is inclined to pass the following orders :-

- 1) The petitioners should appear before the learned Special Court for SC/ST (Prevention of Atrocities) Act, Theni, within a period of 15 days from the date of receipt of a copy of this order / uploading of the order.



2) On such surrender, concerned Sessions Judge, may consider the bail application filed by the petitioners on merits on the same day of surrender, after giving notice to the concerned Public Prosecutor and by complying Section 15(5) of the Act.

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9. With the above observation, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar(CS-II)

// 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 Special Court for SC/ST (Prevention of Atrocities) Act,
Theni,

1. The Deputy Superintendent of Police,
Periyakulam Sub Division,
Theni District.

2. The Sub Inspector of Police,
Jeyamangalam Police Station,
Theni District.

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

Crl.O.P. (MD)No.9282 of 2021
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pm(CO)

TR(02.08.2021) 3P 5C