



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.10.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

Crl.O.P. (MD)No.10197 of 2021

WEB COPY

1.Alaguramachandran

2.Chandrakumar

3.Periyasami

4.Royalsulthan

5.Alaguraja

... Petitioners/A1, A2 and A4 to A6

Vs.

1.The Deputy Superintendent of Police,
O/o Deputy Superintendent of Police,
Manamadurai,
Sivagangai District.

..Respondent No.1/Investigation Officer

2.The Inspector of Police,
Palayanoor Police Station,
Sivagangai District
(Crime No.72 of 2021)

...Respondent No.2 /Complainant

3.Murugan

..3rd Respondent/Defacto Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the learned Special Court for Exclusive Trial of case under SC/ST (POA) Act, 1989, Sivagangai pleased to accept the surrender of the petitioners and consider the petitioner's bail application on the same date of surrender itself in Crime No.72 of 2021 on the file of the respondent No.2 police.

For Petitioners	: Mr.R.Venkatesan
For R-1 and R-2	: Mr.Sanjai Gandhi
	Government Advocate(Crl.side)
For R3	: Bhagavath Singh

O R D E R

This petition has been filed to direct the Special Court for Exclusive Trial of case under SC/ST (POA) Act, 1989, Sivagangai to accept the surrender of the petitioners and consider the bail application on the date of surrender in connection with Crime No.72 of 2021 on the file of the second respondent Police.

2. The petitioners are the accused Nos.1, 2 and 4 to 6 in Crime No.72 of 2021 on the file of the second respondent police for the offences punishable under Sections 147, 294(b), 323, 506(1) I.P.C and 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.



3. Mr.Sanjay Gandhi, learned Government Advocate(Crl.side) accepts notice for the respondents 1 and 2. The third respondent has been represented by an Advocate and he made an objection with regard to considering this petition stating that the petitioners along with other accused person assaulted the defacto complainant with cheppals in the presence of public and in their view in respect of the dispute over the construction of the drainage channel and if such offence is ordered to be considered by this Court directing the trial court to consider the bail application on the said day itself, it may cause immense agony in the mind of the defacto complainant and she may also not in a position to continue her work as the President of Village Panchayat.

4. But, I am of the considered view that such contention cannot be considered by this Court. It is for the trial court to consider the same at the time of considering the bail application. Without going into the merits of the case to know the actual occurrence took place, this Court enquired the second respondent-the Inspector of Police, who was also present through video conferencing and he informed about the dispute between the parties as well as the manner of occurrence.

5. So far as the first petitioner is concerned, he has two previous cases and third petitioner is concerned, he is one previous case and the fifth petitioner is concerned he has one previous case. So far as the fourth petitioner is concerned, there was no previous case. So far as the second petitioner is concerned, he is alleged to be involved in one previous case for the offence under Section 4 of the Tamilnadu Open Places Disfigurement Act.

6. Considering the antecedents of the petitioners 1, 3 and 5, the petitioner filed by them is liable to be dismissed and no such discretional relief can be granted in their favour. Though the second petitioner is involved in one previous case, the offence alleged against him is not serious in nature. The fourth petitioner is not having any previous case. Therefore, this Court is inclined to issue direction in respect of the petitioners 2 and 4.

7. Considering the facts and circumstances of the case, this Court is inclined to pass the following orders :-

1)The petitioners 2 and 4 shall appear before the Special Court for Exclusive Trial of case under SC/ST (POA) Act, 1989, Sivagangai, 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 petitioners and pass orders on merits on the same

day in their surrender, after hearing the defacto



complainant by complying with Section 15(5) of the Act.

8. With the above observation, this Criminal Original Petition is disposed of in respect of petitioners 2 and 4 and dismissed in respect of the petitioners 1, 3 and 5.

Sd/-

Assistant Registrar (Per.Admn)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

CM

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 Exclusive Trial of case under SC/ST (POA) Act, 1989, Sivagangai
- 2.The Deputy Superintendent of Police,
O/o Deputy Superintendent of Police,
Manamadurai,
Sivagangai District.
- 3.The Inspector of Police,
Palayanoor Police Station,
Sivagangai District
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P. (MD)No.10197 of 2021

22.10.2021

NSN(CO)

GC/PM(02.11.2021) 3P 5C