



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

Crl.O.P.(MD)No.11700 of 2021

WEB COPY

1.Anandh

2.Kaviyarasu

3.Premkumar @ Lakshman

... Petitioners /
Accused 2 to 4

vs.

1.The Deputy Superintendent of Police,
Ponnamaravathi,
Pudukottai District.

2.The Inspector of Police,
Namana Samudram Police Station,
Pudukottai District.

... Respondents 1 and 2 /
Complainant

3.Minor Dinesh Hanumanth
S/o.D.Venkatachalam,
represented by his next friend and father
D.Venkatachalam.

... 3rd Respondent/Defact
Complainant

4.Selvakumar

... 4th Respondent/Injured

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the Principal District and Sessions Judge, (Special Court for SC/ST (PA) Act Cases), Pudukottai to consider the petitioners' bail application on the same day of their surrender in Crime No.120 of 2021 on the file of the Inspector of Police, Namana Samudram Police Station, Pudukottai District.

For Petitioners : Mr.T.Lenin Kumar

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 Principal District and Sessions Judge, (Special Court for SC/ST (PA) Act Cases), Pudukottai to consider the petitioners' bail application



on the same day of their surrender in Crime No.120 of 2021 on the file of the Inspector of Police, Namana Samudram Police Station, Pudukottai District.

2. The petitioners are the accused in Crime No.120 of 2021, on the file of the second respondent for the offences punishable under Sections 294(b), 323, 324, 506(ii) of IPC r/w 3 (1)(r), 3(1)(s) and 3(2)(va) of the Schedule Castes and Schedule Tribes (Prevention of Atrocities) Act.

3. Mr.R.M.Anbunithi, learned Additional Public Prosecutor who accepts notice for the respondents 1 and 2 would submit that first and second petitioners are having some previous cases and there are no previous case pending against the third petitioner and the injured was also discharged from the Hospital.

4. Considering the facts and circumstances of the case and also the previous antecedents of the first and second petitioners, this Court is not inclined to allow this petition. Accordingly, this petition is dismissed insofar as the first and second petitioners are concerned.

5. Insofar as the third petitioner is concerned, since no criminal case is pending against him, this Court is inclined to pass the following orders as against the third petitioner alone:-

1)The third petitioner shall appear before the Principal District and Sessions Judge, (Special Court for SC/ST (PA) Act Cases), Pudukottai, 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 third petitioner and pass orders on merits on the same day of their surrender, after hearing the defacto complainant by complying with Section 15(5) of the Act.

6. Accordingly, this Criminal Original Petition is partly allowed.

Sd/-

Assistant Registrar (CS I)

// 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 Principal District and Sessions Judge,
(Special Court for SC/ST (PA) Act Cases),
Pudukottai
- 2.The Deputy Superintendent of Police,
Ponnamaravathi,
Pudukottai District.
- 3.The Inspector of Police,
Namana Samudram Police Station,
Pudukottai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P. (MD)No.11700 of 2021
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PS (CO)
SB(27.08.2021) 3P 5C