



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

Crl.O.P.(MD)No.14390 of 2021

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1. Pandi @ Chellapandi

2. P.Marishwari

.. Petitioners/Accused 2 & 3

Vs.

The State rep. by

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

2.The Inspector of Police,
Bodinayakanur Town Police Station,
Theni District.
Cr.No.1243 of 2021

..1 & 2 respondents/Complainant

3. Kannan

..3rd Respondents/Defacto
Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the Special Court for SC/ST (Prevention of Atrocities) Act, Theni , to accept the surrender of the petitioners / Accused Nos.2 and 3 in connection with the Cr.No.1243 of 2021 on the file of the respondent police and to consider the petitioners' bail application on the same day.

For Petitioners
For R1 & R2

: Mr.R.Shankar Ganesh
: Mr.K.Sanjai Gandhi
Government Advocate (Crl.side)

ORDER

This petition has been filed to direct the Special Court for SC/ST (Prevention of Atrocities) Act, Theni, to accept the surrender of the petitioners and consider the bail application on the date of their surrender in connection with the Crime No.1243 of 2021 on the file of the 2nd respondent Police.

2.The petitioners are facing the charges under Section 366 I.P.C and Sections 5(1), 6, 17 of POCSO Act r/w. Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.



3.Mr.K.Sanjai Gandhi, learned Government Advocate (Crl.Side) accepts notice for the respondents 1 and 2. He submitted that totally there are three accused in this case and the petitioners herein are arrayed as accused Nos. 2 and 3.

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4.Considering the nature of the allegation that has been made and considering the fact that the petitioners involved in the offence under the POCSO Act, I am not inclined to grant direction, that is sought in the petition. Even though the stand of the learned counsel for the petitioners is to the effect that the petitioners are in no way involved in the crime and even in the allegation made in the F.I.R, he is not only accommodated, but, however, the same cannot be taken into account. Only the nature of the offence is the main criteria.

5.So, I find no merit in this petition and the petitioners are to undergo usual procedures.

6.With the above observation, this Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Ls

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 Deputy Superintendent of Police,
Bodinayakanur Sub Division,
Theni District.
- 2.The Inspector of Police,
Bodinayakanur Town Police Station,
Theni District.



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

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