



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **28.09.2021**

CORAM:

THE HONOURABLE MR.JUSTICE **G.ILANGOVAN**

Crl.O.P. (MD)No.14547 of 2021

WEB COPY

1.Vethanayagam

2.Velsamy

... Petitioner/Accused No.1 & 4

Vs.

1.The Deputy Superintendent of Police,
Tirunelveli Rural Sub Division,
Tirunelveli District,
Tirunelveli.
(Crime No.394 of 2021)

2.The Inspector of Police,
Manur Police Station,
Manur,
Tirunelveli District.
(Crime No.394/2021)

... Respondent 1 & 2/complainants

3.Velmurugan

... 3rd Respondent/Defacto complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the learned 2nd Additional Sessions Judge for SC/ST(Prevention of Atrocities) Act, PCR Court, Tirunelveli to consider the bail application of the petitioner on the same day of their surrender in Crime No.394 of 2021 on the file of the first and second respondents police.

For Petitioners	: Mr.N.Pragalathan
For Respondents	: Mr.R.M.S.Sethuraman
	Additional Public Prosecutor

O R D E R

This petition has been filed to direct the learned II Additional District and Sessions Judge (for SC/ST (Prevention of Atrocities) cases), PCR Court, Tirunelveli,, to accept the surrender of the petitioners and consider the bail application on the date of their surrender in connection with Crime No.394 of 2021 on the file of the 2nd respondent Police.

2.The petitioners are the accused Nos.1 & 4 in Crime No.394 of 2021 on the file of the 2nd respondent police for the offences punishable under Sections 294(b), 323, 307, 506(ii) of IPC, r/w Section 3(1)(r), 3(1)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.



3.Mr.RMS.Sethuraman, learned Additional Public Prosecutor accepts notice for the respondents 1 and 2. He submitted that no previous case is pending against the petitioners and the injured person has been discharged from the hospital. He would further submits that there is a election dispute between the parties. Moreover, they have taken the mobile phone and a sum of Rs.8,300/- from the third respondent. The trial Court may also take into consideration of this fact also.

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

1)The petitioners shall appear before the learned II Additional District and Sessions Judge (for SC/ST (Prevention of Atrocities) cases), PCR Court, Tirunelveli, 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 of their surrender, after hearing the defacto complainant by complying with Section 15(5) of the Act.

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

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TM

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 II Additional District and Sessions Judge
(for SC/ST (Prevention of Atrocities) cases),
PCR Court, Tirunelveli.

2.The Deputy Superintendent of Police,
Tirunelveli Rural Sub Division,
Tirunelveli District,
Tirunelveli.

3.The Inspector of Police,
Manur Police Station,
Manur,
Tirunelveli District.

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

+1 CC to M/s.N.PRAGALATHAN, Advocate (SR-30443[F] dated
28/09/2021)

Crl.O.P. (MD) No.14547 of 2021
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ES (CO) /RS (13.10.2021) 3P 6C