



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.10.2021

CORAM:

THE HONOURABLE MR.JUSTICE **G. ILANGO VAN**
CrI.O.P. (MD) No.16448 of 2021

WEB COPY

1.Ramasamy @ Bose
2.Ajith @ Ajithkumar
3.Saravanan @ Saravanakumar
4.Poomurugan ... Petitioners/Accused No 1 to 4
Vs.

1.The Deputy Superintendent of Police,
Kamuthi Sub Division,
Ramanathapuram District.

2.The State represented by
The Sub Inspector of Police,
Kovilankulam Police Station,
Ramanathapuram District.
(In Crime No.123 of 2021)

...Respondents/respondents

3.Ayyanar ... respondents/Defacto Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to pass an order permitting the petitioners to surrender and accept the bail application filed by the petitioners before the Special Court for SC & ST (POA) Act, Ramanathapuram in connection with Crime No.123 of 2021 on the file of the 2nd respondent police and in the event of filing the same, the said application may be directed to be considered on the same day on merits and in accordance with law forthwith.

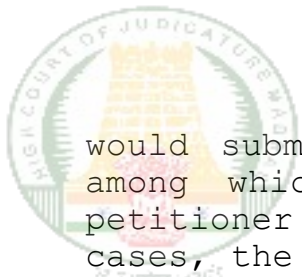
For Petitioners : Mr.A.Uthayakumar
For R1 & R2 : Mr.RMS.Sethuraman
Additional Public Prosecutor

ORDER

This petition has been filed to direct the Special Court for SC & ST (POA) Act, Ramanathapuram, to accept the surrender of the petitioners and consider the bail application on the date of their surrender in connection with Crime No.123 of 2021 on the file of the 2nd respondent Police.

2.When the matter is taken up for hearing, the learned Additional Public Prosecutor appearing for the respondents 1 and 2

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would submit that the 1st petitioner is having 5 previous cases, among which most of the cases are the assault cases, the 2nd petitioner is having 2 previous cases, which are also the assault cases, the 3rd petitioner is having 1 previous case in Crime No.43 of 2020, which was registered for the offences punishable under Sections 188, 269, 270 and 278 of IPC and the 4th petitioner is having 2 previous cases, among which Foreigners Act was also involved.

3.Considering the antecedents of the petitioners 1, 2 and 4, they are not entitled for any discretionary relief of direction and accordingly, this petition stands dismissed insofar as the petitioners 1, 2 and 4 are concerned. However, insofar as the 3rd petitioner is concerned, this petition stands allowed considering the earlier offences that have been alleged with the following directions:-

1)The 3rd petitioner shall appear before the Special Court for SC & ST (POA) Act, Ramanathapuram, 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 3rd petitioner and pass orders on merits on the same day of his surrender, after hearing the defacto complainant by complying with Section 15 (5) of the Act.

4.With the above directions, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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 (POA) Act,
Ramanathapuram
2. The Deputy Superintendent of Police,
Kamuthi Sub Division,
Ramanathapuram District.
3. The Sub Inspector of Police,
Kovilankulam Police Station,
Ramanathapuram District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P. (MD) No.16448 of 2021
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PS (CO)
KB(19.11.2021) 3P 5C