



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P. (MD)No.17035 of 2021

1.Nathaniyel @ Narthaniel

2.Godwin @ Godwin Rubas

3.Jose @ Godwin Jose

4.Rubus @ Godwin Rubas

5.Radha @ Radhakrishnan

... Petitioners/Accused Nos.1 to 5

vs.

1.The Deputy Superintendent of Police,
Kanyakumari Sub-Division, Kanyakumari.

2.The Inspector of Police,
Kanyakumari Police Station,
Kanyakumari District.

(Crime No.438 of 2021)

...1st & 2nd Respondents/Complainants

3.Mathan

... 3rd Respondent/Defacto

Complainant

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C, to direct the Special Judge for SC/ST (Prevention of Atrocities) Act/II-Additional District and Sessions Judge (PCR Court), Tirunelveli, to consider the bail application of the petitioners on the same day of their surrender in Crime No.438 of 2021 on the file of the second respondent police.

For Petitioners : Mr.T.Arul

For Respondents : Mr.M.Sakthi Kumar

Government Advocate (Crl.) for R1 & R2

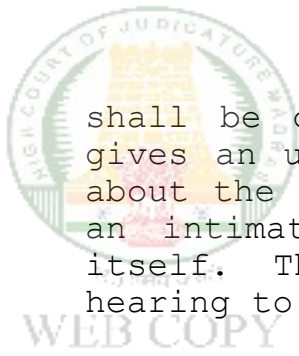
O R D E R

Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.) for the respondents 1 and 2.

2. Considering the nature of relief to be granted, notice to the defacto complainant is dispensed with.

3. The petitioners are figuring as accused Nos.1 to 5 in Crime No.438 of 2021 registered on the file of the second respondent for the offences under Sections 147, 294(b), 506(2) IPC r/w Sections 3 (1)(r), 3(1)(s), 3(2)(va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

4. After going through the contents of the FIR, I am of the view that it is a case fit for grant of relief under Section 482 Cr.P.C., The petitioners undertakes to surrender before the jurisdictional Court on_07.12.2021. The petitioners' surrender shall be accepted by the jurisdictional Court and their petition for bail



shall be disposed of on the same day. The petitioners' counsel gives an undertaking that the defacto complainant will be notified about the proposed surrender of the petitioners on 07.12.2021. Such an intimation will be sent through registered post by tomorrow itself. The respondents 1 and 2 are also directed to give notice of hearing to the third respondent.

5. This Criminal Original Petition is disposed of with the following directions:-

(1) the petitioners shall surrender before the jurisdictional Court on 07.12.2021.

(2) the jurisdictional Court shall accept the surrender and dispose of the petitioners' bail petition on the same day of surrender on merits and in accordance with law.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

csn/mga

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 (PCR Court),
Tirunelveli.

2.The Deputy Superintendent of Police,
Kanyakumari Sub-Division, Kanyakumari.

3.The Inspector of Police,
Kanyakumari Police Station,
Kanyakumari District.

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

CrI.O.P. (MD)No.17035 of 2021

19.11.2021

SR(CO)

GC/SKN(22.11.2021) 2P 5C