



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P (MD)No.18367 of 2021

WEB COPY

1.Ramasamy

2.Ajith @ Ajithkumar

3.Poomurugan

... Petitioners/Accused Nos.1, 2 & 4

Vs

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

2.The State rep. by
The Sub Inspector of Police,
Kovilankulam Police Station,
Ramanathapuram District.

(In Crime No.123 of 2021) ... Respondents 1 & 2 /Respondents

3.Ayyanar

... 3rd Respondent / Defacto Complainant

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, 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 201 on the file of the second 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.M.Sakthikumar

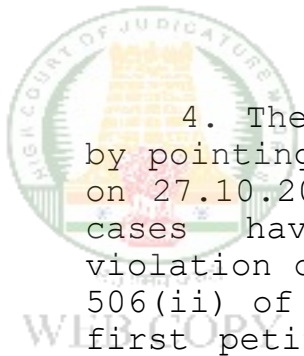
Government Advocate (Crl.)

ORDER

Heard the learned counsel for the petitioners and the learned Government Advocate 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, 2 & 4 in Crime No.123 of 2021 registered on the file of the second respondent for the offences under Sections 294(b) & 323 of IPC r/w Sections 3 (1)(s) of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 2015.



4. The learned Government Advocate opposed the grant of relief by pointing out that the petitioner's earlier petition was dismissed on 27.10.2021. It is true that against the first petitioner, five cases have been registered. But all those four cases relate to violation during pandemic. But one case pertains to Sections 324 & 506(ii) of IPC. On the earlier occasion, it was projected as if the first petitioner is involved in several cases of assault. While Crime No.78 of 2017 is still pending, Crime No.6 of 2017 ended in acquittal. The other three cases are not relating to assault. The second petitioner is also on the same footing as that of the first petitioner. As regards the third petitioner, while Crime No.54 of 2014 registered only for the offence under Section 75 MCP Act is still pending, Crime No.1 of 2008 ended in acquittal. The learned counsel for the petitioner states that the relevant facts were omitted to be placed before the other learned Judge while filing the earlier petition.

5. Taking note of all these aspects, I am of the view that it is a case fit for grant of relief under Section 482 of Cr.P.C., The petitioners undertake to surrender before the jurisdictional Court on 02.12.2021. 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 02.12.2021. 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.

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

(1) the petitioners shall surrender before the jurisdictional Court on 02.12.2021.

(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 (P&A)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

rmi

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.

+1 CC to M/s.A. UTHAYAKUMAR, Advocate (SR-35682[F] dated 24/11/2021)
Crl.O.P(MD)No.18367 of 2021
24.11.2021

SJ(CO)

GC/SKN/SAR-I(26.11.2021) 3P 6C