



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CrI.O.P (MD)No.1109 of 2022

WEB COPY

1.Subash

2.Elavarasan ... Petitioners/Accused Nos.1 & 4
Vs

1.The Assistant Commissioner of Police,
Palayamkottai,
Tirunelveli District.

2.The Inspector of Police,
Melapalayam Police Station,
Tirunelveli District.
Crime No.31 of 2022 ... Respondents 1 & 2 / complainant

3.Kavitha ... 3rd Respondent / Defacto Complainant

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to direct the 2nd Additional District and Sessions Judge (Special Court for SC/ST (POA) Cases), Tirunelveli to consider the petitioner's bail application on the same day of their surrender in connection with Crime No.31 of 2022 registered on the file of the second respondent.

For Petitioners : Mr.V.Angusamy
For R1 & R2 : Mr.M.Sakthi Kumar
Government Advocate (crl.side)

ORDER

Heard the learned counsel for the petitioners and the learned Government Advocate(crl.side) 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 & 4 in Crime No.31 of 2022 registered on the file of the second respondent for the offences under Sections 294(b), 323, 324, 506(ii) of IPC r/w Sections 3(1)(r), 3(1)(s), 3(2)(va) of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 2015.

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 of Cr.P.C., The petitioners undertake to surrender before the



jurisdictional Court on 04.02.2022. 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 informed about the proposed surrender of the petitioners on 04.02.2022. 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 04.02.2022.

(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 (CS-II)

// True Copy //

/ /2022

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 2nd Additional District and Sessions Judge (Special Court for SC/ST (POA) Cases), Tirunelveli.

2.The Assistant Commissioner of Police,
Palayamkottai,
Tirunelveli District.

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

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

CrI.O.P (MD) No.1109 of 2021
24.01.2022

KMV (CO)

KB (25.01.2022) 2P 5C