



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.06.2015

CORAM:

THE HONOURABLE MR. JUSTICE M.M. SUNDRESH

Criminal Original Petition (MD) No.11442 of 2015

WEB COPY

1. Kandasamy @ Jeyaraj
2. Balakrishnan

... Petitioners

Vs.

The State represented by
the Inspector of Police,
Masarpatti Police Station,
Thoothukudi District.
(Crime No.76 of 2015)

... Respondent

PRAYER: This Criminal Original Petition is filed under Section 482 Cr.P.C., to direct the learned II Additional District and Sessions Judge (Special Court for PCR Cases), Tirunelveli to consider the bail application of the petitioners on the same day of their surrender in respect of Crime No.76 of 2015 on the file of the respondent.

For Petitioners : Mr.M.Subash Babu

For Respondent : Mrs.S.Prabha
Government Advocate (Crl.Side)

O R D E R

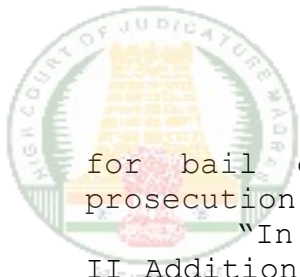
The petitioners approach this Court for a direction to the learned II Additional District and Sessions Judge (Special Court for PCR Cases), Tirunelveli to consider the petitioners' bail application and dispose of the same on the same day, if the petitioners surrender before the learned II Additional District and Sessions Judge (Special Court for PCR Cases), Tirunelveli in Crime No.76 of 2015 on the file of the respondent.

2. The petitioners are alleged to have committed an offences under Sections 294(b), 323, 324, 506(ii) of I.P.C., r/w. Section 3(i) (x) of SC/ST (POA) Act. It is stated by the petitioners that they are innocent.

3. The learned counsel for the petitioners would submit that the petitioners are prepared to surrender before the learned II Additional District and Sessions Judge (Special Court for PCR Cases), Tirunelveli to co-operate with the prosecution and their petition for bail may be ordered to be considered on the same day.

4. Heard the learned Government Advocate (Crl.side).

5. Considering the submissions of the learned counsel for the petitioners and considering the facts and circumstances by issuing a direction to the learned II Additional District and Sessions Judge (Special Court for PCR Cases), Tirunelveli to dispose of the petition



for bail on the same day, no prejudice would be caused to the prosecution, the following direction is issued to the lower Court:-

"In the event of the petitioners surrendering before the learned II Additional District and Sessions Judge (Special Court for PCR Cases), Tirunelveli and their filing of petition seeking bail, the learned II Additional District and Sessions Judge (Special Court for PCR Cases), Tirunelveli shall dispose of the said petition for bail on the same day strictly on merits and in accordance with law."

The Criminal Original Petition is ordered accordingly.

Sd/-

24.06.2015

This matter has been posted on 3rd day of July 2015 under the caption "for being mentioned" at instance of the learned counsel for petitioner viz., M/s.M.Subash Babu and of M/s.S.Prabha, Government Advocate(Crl.Side), in pursuance of order of this Court dated 24.06.2015 and made herein in the presence of the aforesaid counsel on the either side, the Court made the following order:

The matter is taken up today under the caption 'For Being Mentioned'. The learned counsel for the petitioners submitted that though it was submitted at the time of passing the order that the memo of appearance for the first petitioner is withdrawn and the petition may be dismissed as against the first petitioner, the order has been passed covering both the petitioners.

2.Considering the same, this petition as against the first petitioner is dismissed.

3.The Registry is directed to issue fresh order copy only in respect of the second petitioner.

Sd/-

Assistant Registrar(CO)

/True copy/

Sub Assistant Registrar

To

To be substituted copy already despatched on 01.07.2015.

1. The II Additional District and Sessions Judge
(Special Court for PCR Cases),Tirunelveli.
2. The Inspector of Police,
Masarpatti Police Station,Thoothukudi District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,Madurai.

+1cc to Mr.M.Subash Babu,Advocate SR.No.33840

Crl.O.P (MD) .No.11442 of 2015
24.06.2015