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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.12.2015

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

Cr1.O.P(MD)No.22432 of 2015

Jothibasur : Petitioner/Sole Accused

Vs.

1.State represented by
The Inspector of Police,
Kovilpatti West Police Station,
Thoothukudi District.
(Crime No.926 of 2015). : 1st Respondent/Complainant

2.Thangam ..2nd Respondent

(2nd respondent has been impleaded as
the respondent vide order of this Court
made in M.P.No.1 of 2015 dated 03.12.2015)

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C., praying to direct the II Additional District and Sessions Judge (PCR Court), Tirunelveli District to dispose the bail application filed by the petitioners on merits on the same day of their surrender before the above mentioned concerned court in pending investigation of Crime No.926 of 2015 on the file of the respondent police.

For Petitioner : Mr.G.Thalaimutharasu

For Respondent : Mr.A.P.Balasubramani,
Government Advocate (Cr1.Side).

ORDER

The petitioner, who apprehends arrest for the offences punishable under Sections 294(b) IPC, Section 4 of Tamil Nadu Women Harassment Act and Section 3(1)(xi) of SC/ST Prevention of Atrocities Act, 1989 in Crime No.926 of 2015, on the file of the respondent police, moved this petition seeking a direction to the II Additional



District and Sessions Judge (PCR Court), Tirunelveli District, to accept the surrender of the petitioner and consider the bail application on the same day on merits.

2.I have heard the counsel appearing on either side and perused the records.

3.The Government Advocate (Criminal side) strongly opposed the relief sought for by the petitioner.

4.A cursory look at the offences would reveal that some of the offences are grave in nature, including the one registered under the Special Enactment. Therefore, it is for the Trial Court to consider as to whether initial detention of the petitioner is absolute and warranted on his surrender before it, or not.

5.Therefore, the II Additional District and Sessions Judge (PCR Court), Tirunelveli District, is directed to accept the surrender of the petitioner and consider his bail application on the very same day, purely on merits and in accordance with law.

6.Accordingly, this Criminal Original Petition is ordered.

Sd/-

Assistant Registrar(C.O.)

/True Copy/

Sub Assistant Registrar

To

1.The II Additional District and Sessions Judge
(PCR Court), Tirunelveli District

2.The Inspector of Police,
Kovilpatti West Police Station,
Thoothukudi District.

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

+1cc to Mr.G.Thalaimutharasu, Advocate Sr.No.69186

Akm/11.12.2015/ 2p- 5c/jgb/dp/SAR-I