

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.03.2016

CORAM:

THE HONOURABLE MS.JUSTICE R.MALA

Crl.O.P.No.4479 of 2016

1.T.Yuvaraj

2.S.Thiyagarajan

... Petitioners/Accused

Vs.

State Rep by
The Inspector of Police,
Aliyar Police Station,
Aliyar
Coimbatore District.
(Crime No.30 of 2016)

... Respondent/Complainant

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to direct the Principal Sessions Judge, Coimbatore to consider the bail application of the petitioners herein in Crime No.30 of 2016 on the file of the respondent police, on the same day of their surrender.

For Petitioners : Mr.D.Selvaraju

For Respondent : Mr.C.Emalias
Additional Public Prosecutor

ORDER

The petitioners have come forward with this petition seeking a direction to the learned Principal Sessions Judge, Coimbatore to consider the bail application of the petitioners in Crime No.30 of 2016 on the file of the respondent police, on the same day of their surrender.

2.The learned counsel appearing for the petitioners would submit that the petitioners were innocent and they were falsely implicated in the case in Crime No.30 of 2016 registered for the offence punishable under Sections 294(b), 323, 506(ii) of I.P.C. read with 3(1)(x), 3(3)(va) of SC/ST (POA) 1989 amended 2015 and 3 of TNPPDL Act and would further submit that no one has sustained injury. The learned counsel would further submit that

investigation is considerably over and since there is no provision for anticipatory bail in the said enactment, no custodial interrogation is necessary. Hence, he prayed for a direction directing the learned Principal Sessions Judge, Coimbatore to consider their bail application on the date of surrender and prayed for appropriate orders.

3.At this juncture, the learned Additional Public Prosecutor would submit that the first accused in this case is facing 11 previous cases and the second accused in this case is facing 8 previous cases and hence, he prayed for the dismissal of the petition.

4.Heard the learned counsel appearing for the petitioners as well as the learned Additional Public Prosecutor.

5.Considering the rival submissions made on either side and on perusal of the typed set of papers, it is known that even though the petitioners are habitual offenders, the alleged occurrence is said to have taken place on 21.02.2016 at 22.30 hours and the case has been registered for the offences on 22.02.2016 at 2.00 hours. In such circumstances, I am of the view that no custodial interrogation is necessary in this case for investigation.

6.In such circumstances, I am of the view that this is a fit case to give direction to the learned Principal Sessions Judge, Coimbatore. Accordingly, the learned Principal Sessions Judge, Coimbatore is directed to consider the bail application of the petitioners on the same day, purely on the merits of the case.

7.With the above direction, this Criminal Original Petition is disposed of.

Sd/-

सत्यमेव जयते
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

pri

To

1. The learned Principal Sessions Judge,
Coimbatore

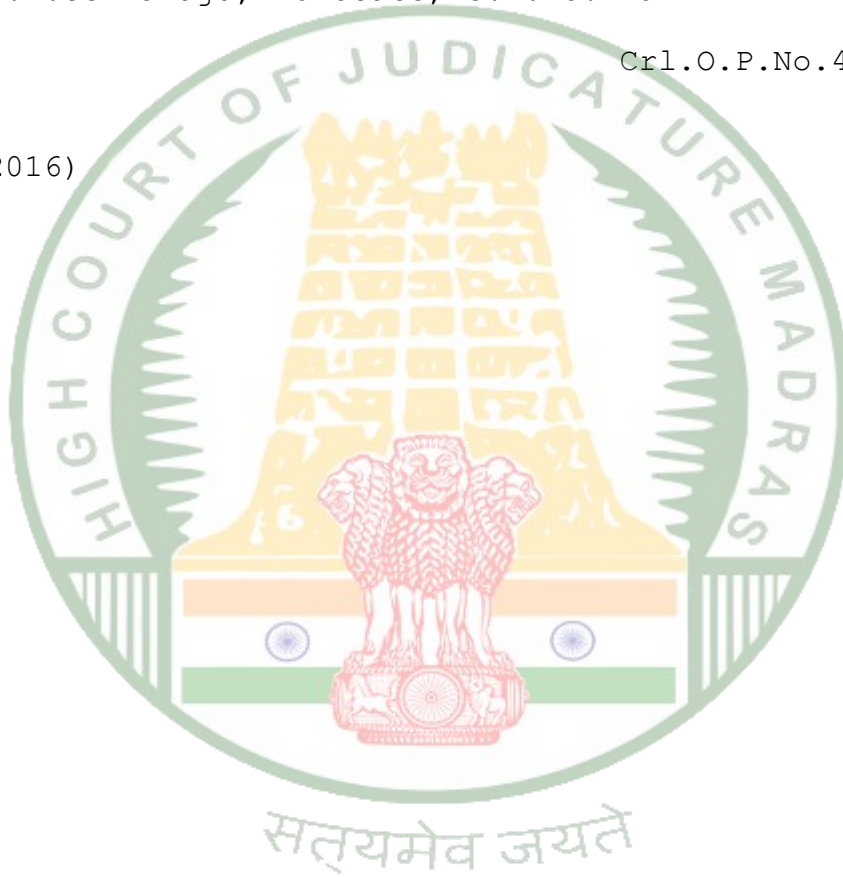
2. The Inspector of Police,
Aliyar Police Station,
Aliyar
Coimbatore District.
(Crime No.30 of 2016)

3. The Public Prosecutor
High Court, Madras.

+lcc to Mr.D.Selvaraju, Advocate, S.R.No.12974

Cr1.O.P.No.4479 of 2016

RV(CO)
CA(02/03/2016)



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