



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.07.2016

CORAM:

THE HONOURABLE DR. JUSTICE S.VIMALA

Crl.O.P.(MD).No.10251 of 2016

Arumugam

.. Petitioner/A1

Vs.

The Deputy Superintendent of Police,
Vadipatti Police Station,
Madurai District.

.. Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to direct the learned III-Additional District and Sessions Judge, Madurai to accept his surrender and to consider bail application to be filed by him on the same day on merits in Crime No.478 of 2014 on the file of the respondent Police.

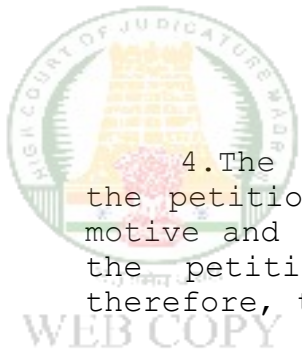
For Petitioner	: Mr.S.Prabhu
For respondent	: Mr.K.V.Rajarajan, Government Advocate (Criminal side)

ORDER

It is an application seeking a direction to the learned III-Additional District and Sessions Judge, Madurai, to accept the surrender of the petitioner in Crime No.478 of 2014 and consider his bail application on the same day of his surrender.

2.The sum and substance of the complaint is that due to money dispute, the petitioner along with other accused, illegally trespassed into the defacto complainant's shop, abused her in filthy language and also by her caste name, and also threatened her with dire consequences. The said complaint has been registered in Crime No.478 of 2014 for the alleged offences under Sections 294(b), 452, 355, 506(ii) IPC r/w 4 of Tamil Nadu Prohibition of Harassment of Women Act, and Section 3(1)(r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities), Act, 2015.

3.The learned counsel for the petitioner would submit that the petitioner had already filed a petition in Crl.O.P.(MD).No.19630 of 2014 before this Court for very same relief and this Court issued favourable order on 31.10.2014, subject to a condition that the petitioner should surrender before Court concerned within a period of fifteen days from the date of receipt of that order, but due to unavoidable circumstances, he was not able to surrender before the Court concerned; and due to elongation of time, he has come up with the present petition for the very same relief.



4. The learned counsel for the petitioner would further submit that the petitioner has been falsely implicated in the case due to previous motive and in view of the specific bar under Section 18 of the said Act, the petitioner cannot move any anticipatory bail application and therefore, the relief sought for by the petitioner may be granted.

5. Learned Government Advocate (Crl. Side) appearing for the respondent would submit that no one sustained injury in this case; and the major part of the investigation over.

6. Having regard to the facts and circumstances of the case, the petitioner is directed to surrender before the Court concerned within ten days from the date of receipt of a copy of this order and file bail application. The Court concerned is directed to accept the surrender of the petitioner in Crime No.478 of 2014 and consider bail application of the petitioner and dispose of the same on merits and in accordance with law, on the same day of his surrender.

7. This Criminal Original Petition is disposed of accordingly.

Sd/

Assistant Registrar(w)

/True Copy/

Sub Assistant Registrar.

To

1 The III Additional District and Sessions Judge,
Madurai.

2. The Deputy Superintendent of Police,
Vadipatti Police Station, Madurai District.

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

+1CC to M/S.S.Prabhu, Advocate, SR.No. 39845

Crl.O.P(MD)No.10251 of 2016
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gcg

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