



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.08.2016

CORAM:

THE HONOURABLE Dr. JUSTICE S.VIMALA

Crl.O.P.(MD)No.10688 of 2016

Sampath Kumar

.. Petitioner/A1

Vs.

The Inspector of Police,
Karuppayurani Police Station,
Madurai District,
Crime No.26 of 2016

.. Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to direct the III Additional District Judge (PCR) Madurai to consider and dispose the bail application on the same day in connection with the crime No.26 of 2016 on the file of the respondent Police.

For Petitioner

: Mr.RM.Arun Swaminathan

For Respondent

: Mr.K.V.Rajarajan
Government Advocate
(Criminal side)

ORDER

It is an application seeking a direction to the III Additional District Judge (PCR) Madurai to consider the bail application of the petitioner on the same day of his surrender in Crime No.26 of 2016, which has been registered under Sections 147, 148, 341, 294(b) and 302 IPC read with 3(2)(v) of Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondent.

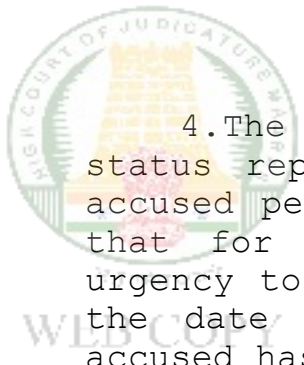
3.The learned counsel appearing for the petitioner seeks the above said relief on the following grounds:

(i)The co-accused/A-3 has already been released on bail by order dated 20.04.2016 in Crl.M.P.No.1414 of 2016 by the III Additional District Judge (PCR), Madurai.

(ii)The co-accused persons namely Sekar, Ramkumar and Boominathan/A-4 to A-6 and A-2, have also been released on bail by this Court in Crl.O.P(MD)Nos.6281 and 6274 of 2016.

(iii)While granting bail to the co-accused in Crl.O.P(MD) Nos.6281 and 6274 of 2016, the learned Government Advocate (Crl.Side) has admitted that investigation is completed and only chemical analysis report is awaited.

<https://hcservices.ecourts.gov.in/hcservices/> petitioner is willing to abide by any condition imposed by this Court, if the Court is inclined to grant bail.



4.The learned Government Advocate (Crl.Side) has filed a status report, in which, the circumstance under which, the co-accused persons got bail has been stated in detail and submitted that for successful and speedy investigation, there is every urgency to arrest the first accused. He would further submit that the date of occurrence is 21.01.2016 but till date the first accused has not been arrested.

5.If there is any urgency/necessity in arresting the first accused, there is no impediment in law to get the first accused arrested. Moreover, mere direction to consider the bail application would not amount to direction to grant bail to the petitioner and it is for the Sessions Judge to consider the case on merits. When similar direction has been issued in many cases, for this petitioner alone, such a direction cannot be refused.

6.Considering the facts and circumstances of the case and also considering the fact that the co-accused have already been released on bail, 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 a bail application. The Court concerned is directed to accept the surrender of the petitioner in Crime No.26 of 2016 and consider his bail application and dispose of the same, on merits and in accordance with law, on the same day of his surrender.

7.With the above direction, this petition is disposed of.

Sd/-

Assistant Registrar(CSII)

/True Copy/

Sub-Assistant Registrar

To

1.The III Additional District Judge (PCR), Madurai.

2.The Inspector of Police,
Karuppayurani Police Station,
Madurai District.

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

+One cc to Mr.RM.Arun Swaminathan, Advocate, SR.No.41028

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RL/5C/2P/KBM/17/8/2016

Crl.O.P(MD)No.10688 of 2016
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