



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.07.2016

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

Crl.O.P. (MD) No.10925 of 2016

Thirumurugan

... Petitioner/A11

-Vs-

1.The Deputy Superintendent of Police,
Papanadu, Thanjavur District.

2.The Inspector of Police,
Papanadu Police Station,
Thanjavur District.

(Crime No.22 of 2018)

... Respondents/Complainant

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to direct the learned II-Additional District and Sessions Court (PCR), Thanjavur to accept the surrender of the petitioner and consider his bail application on the same day on merits in relating to PRC.No.46 of 2014 on the file of the District Munsif cum Judicial Magistrate, Orathanadu. (Prayer amended as per the order of this Court dated 22.07.2016 made in Crl.M.P. (MD).No.5954 of 2016)

For Petitioner

: Mr.G.Karnan

For Respondent

: Mr.K.V.Rajarajan,

Govt. Advocate (Crl.Side)

O R D E R

This petition has been filed seeking a direction to the learned II-Additional District and Sessions Court (PCR), Thanjavur to consider the bail application of the petitioner on the same day of his surrender in PRC No.46 of 2014.

2.The sum and substance of the complaint is that due to wordy quarrel, the petitioner, along with other accused, abused the defacto complainant in filthy language and by his caste name, and assaulted him. The said complaint has been registered in Crime No.22 of 2008 for the alleged offences under Sections 147, 148, 294(b), 323, 324, 506(ii) IPC r/w Section 3(1) of TNPPDL Act, r/w 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities), Act, 2015.

3.Learned counsel for the petitioner would submit that the petitioner is the 11th accused among 12 accused in Crime No.22 of 2008, at the stage of committal, the case against the petitioner had been split up; now the case is pending in P.R.C.No.46 of 2014



wherein NBW has been issued against the petitioner; the petitioner has been falsely implicated in the case due to previous motive; the petitioner is the only breadwinner of the family; and he is ready to appear before the trial Court; and hence, his bail application may be directed to be considered on the same day of his surrender.

4. Under normal circumstances, if the accused had been evading the process of the Court, this Court would not issue a direction to recall the NBW, but, it is submitted that in this case some of the accused had been tried by the II-Additional District and Sessions Court (PCR), Thanjavur and the case had ended in acquittal. It is also submitted that the defacto complainant himself turned hostile and there is no possibility of conviction at all.

5. Having regard to the above facts and circumstances of the case, the petitioner is directed to surrender before the concerned Court 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 P.R.C.No.46 of 2014 in Crime No.22 of 2008 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.

6. This Criminal Original Petition is disposed of accordingly.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To:

1. The II-Additional District and Sessions Court (PCR),
Thanjavur.
 2. The District Munsif cum Judicial Magistrate,
Orathanadu, Thanjavur District
 3. The Deputy Superintendent of Police,
Papanadu, Thanjavur District.
 4. The Inspector of Police,
Papanadu Police Station, Thanjavur District.
 5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1cc to Mr.G.KARNAN, Advocate Sr.No.39824
GCG
AA/SK-SKN/SAR-I/29.07.2016/2p-7c

Cr1.O.P. (MD) No.10925 of 2016
27.07.2016