



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.01.2016

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

Cr1.O.P (MD) No.1180 of 2016

Muthuraj : Petitioner/Accused No.4

Vs.

State rep.by
The Inspector of Police,
Devathanapatti Police Station,
Theni District
(Crime No.36 of 2016)

: Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 482 Cr.P.C., praying to direct the learned Principal District & Sessions Judge (PCR Cases), Theni, to consider the petitioner's bail application and dispose the bail application on the same day, if the petitioner surrender before the learned Principal District and Sessions Judge (PCR Cases), Madurai in Crime No.36 of 2016, on the file of the respondent.

For Petitioners : Mr.B.Suthasathyananth

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

O R D E R

The petitioner, who apprehends arrest for the offences punishable under Sections Man Missing @ offence under Section 294(b) and 506(i) of IPC., and Section 4 of TNPWH Act and Section 3(1)(r) &(s), 3(2)(v)(a), 3(1)(w)(i) of SC/ST (POA) Act Amendment Ordinance 2014, in Crime No.36 of 2016, on the file of the respondent police, moved this petition seeking a direction to the Principal District & Sessions Judge (PCR Cases), Theni, to accept the surrender of the petitioner and consider the bail application on the same day on merits.

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

<https://hcservices.ecourts.gov.in/hcservices/>
perused the records.



3. The learned 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 Principal District & Sessions Judge (PCR Cases), Theni, 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(R)

/True Copy/

Sub Assistant Registrar.

To

1. The Principal District & Sessions Judge (PCR Cases), Theni,

2. The Inspector of Police, Devathanapatti Police Station,
Theni District

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

+1CC to Mr.B.Sutha Sathyanath, Advocate, SR.No. 3997.

Order made in
Crl.O.P(MD)No.1180 of 2016
Dated:-
22.01.2016