



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.11.2016

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THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM

Crl.O.P.(MD) No.21036 of 2016

Thavasi

... Petitioner/ Accused No.2

-Vs-

1.State represented by

The Deputy Superintendent of Police,
Vilathikulam, Thoothukudi District.

2.The Inspector of Police,

All Women Police Station,
Vilathikulam, Thoothukudi District.

(Cr.No.12 of 2016)

... 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 Judge (PCR), Tirunelveli to consider the petitioner's bail application and dispose the bail application on the same day, if the petitioner surrender before the learned II Additional District and Sessions Judge (PCR), Tirunelveli in Crime NO.12 of 2016 on the file of the respondent.

For Petitioner : Mr.A.V.Rajasekaran

For Respondent : Mr.K.Anbarasan
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 Judge (PCR), Tirunelveli to consider the petitioner's bail application and dispose the bail application on the same day, if the petitioner surrender before the learned II Additional District and Sessions Judge (PCR), Tirunelveli in Crime NO.12 of 2016 on the file of the respondent.

2.The case of the prosecution is that the first accused viz., Shanmugaraj S/o Palusamy has committed rape on the defacto complainant on 06.07.2016 and 09.07.2016, by giving a false promise of marrying her and subsequently he has not married her. While so, the second accused who is the paternal uncle of the



first accused phoned up to the father of the victim and scolded him by calling his caste name.

3. The learned Counsel appearing for the petitioner would submit that the defacto complainant originally preferred a complaint only against the first accused and after conducting enquiry, the case was closed as mistake of fact and the present case is registered based on the second complaint in which, the petitioner has been falsely implicated.

4. Heard the learned Government Advocate (Crl.Side) and perused a copy of the F.I.R.

5. Considering the over act attributed against the petitioner and 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.12 of 2016 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(RTI)

/True Copy/

Sub Assistant Registrar

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To:

1. II Additional District and Sessions Court (PCR),
Tirunelveli.
2. The Deputy Superintendent of Police,
Vilathikulam, Thoothukudi District.
- 3.The Inspector of Police, All Women Police Station,
Vilathikulam, Thoothukudi District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,Madurai.

+1cc to Mr.A.V.Rajasekaran Advocate Sr.No. 65603

JAM/17.11.16/PV/2p-6c

Crl.O.P. (MD) No.21036 of 2016

04.11.2016