



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.11.2016

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THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM

CrI.O.P. (MD) No.21692 of 2016

Sridhar

: Petitioner

-Vs-

The State rep. By its
The Inspector of Police,
Kudupatti Police Station,
Madurai District.

: Respondent

Prayer: Petition filed under Section 482 of Code of Criminal Procedure, to direct the Juvenile Justice Board, Madurai, Madurai District, to accept the surrender of the petitioner and consider the bail application on merits on the date of surrender in Crime No.159 of 2016 on the file of the respondent police on the very same day.

For Petitioner : Mr.M.Pitchai Muthu

For Respondents : Mr.P.Kannithevan

Govt. Advocate (CrI.Side)

O R D E R

This petition is filed to direct the Juvenile Justice Board, Madurai, to accept the surrender of the petitioner and consider the bail application on merits, on the date of his surrender, in Crime No.159 of 2016 on the file of the respondent police.

2.According to the petitioner, he was implicated as an accused in Crime No.159 of 2016 on the file of the respondent police, for the alleged offence under Sections 147, 294(b) & 323 IPC r/w Section 3(2)(Va) of SC/ST (Prevention of Atrocities) Act, Amendment Act, 2015 @ 147, 294(b) 323, 304 IPC r/w Section 3(2)(V) of SC/ST(Prevention of Atrocities) Act, Amendment Act 2015. The deceased Pandi gave a statement to the respondent police, on 16.08.2016 alleging that five accused persons have been assaulted him, in an inebriated mood, including the petitioner.

3.The learned counsel appearing for the petitioner would submit that except the petitioner, who is arrayed as A3, other accused in this case, were already granted bail and there is no specific overtact attributed against the petitioner and therefore, a direction can be given to the Juvenile Justice Boar, Madurai.



4.Per contra, learned Government Advocate (Criminal side) appearing for the respondent, vehemently opposed the petition stating that the statement of the deceased Pandi has to be treated as 'dying declaration', since the petitioner is alleged to have been attacked the deceased, he is not entitled for any indulgence of this court.

5.Considering the above facts and circumstances of the case, this court is of the considered opinion that it is not a fit case to give a direction to the Juvenile Justice Board, Madurai, to consider the bail petition of the petitioner on the same on his surrender. Hence, this petition is dismissed.

Sd/
Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar.

To,

- 1.The Inspector of Police,
Kudupatti Police Station,
Madurai District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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