



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.11.2016

CORAM

THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM**Crl.O.P. (MD) No.22564 of 2016**

Rajavelu

... Petitioner/ 5th Accused

-Vs-

State represented by
The Inspector of Police,
Lalgudi Police Station,
Trichy District.
(Crime No.328 of 2016)

... Respondent/Complainant

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to direct I Additional District and Sessions Judge, (PCR Court), Trichy to consider the petitioner's bail application on the same day of his surrender in Crime No.328 of 2016 on the file of the Inspector of Police, Lalgudi Police Station, Trichy District.

For Petitioner : Mr.T.Lenin Kumar

For Respondent : Mr.K.Anbarasan
Govt. Advocate (Crl.Side)

ORDER

This petition has been filed seeking a direction to the learned I Additional District and Sessions Judge, (PCR Court), Trichy to consider the petitioner's bail application on the same day of his surrender in Crime No.328 of 2016 on the file of the Inspector of Police, Lalgudi Police Station, Trichy District.

2.The case of the prosecution is that in a procession, the petitioner and other accused attacked one Arockiasamy and others and when the same was questioned by the defacto complainant, they abused him by using unparliamentary words and also threatened him with dire consequences. The said complaint has been registered in Crime No.328 of 2016 for offences under Sections 147, 294(b), 323, 506(ii) I.P.C r/w 3(1) of TNPPDL Act and Section 3(1)(r)(s) & 3(2) (Va) of SC/ST Act (POA) Amendment Act 2015.

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. The learned Government Advocate (Crl.Side), would submit that the injured has already been discharged from the hospital.

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.328 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 (T&P)

/True copy/

Sub Assistant Registrar

To:

1.The I Additional District and Sessions Judge, (PCR Court),
Trichy.

2.The Inspector of Police,
Lalgudi Police Station, Trichy District.

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

+1 CC to Mr.T.LENIN KUMAR, Advocate, SR No.73945

Crl.O.P.(MD) No.22564 of 2016
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