



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.11.2017

CORAM:

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THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

CRL.O.P.(MD)No.13525 of 2017

1.C.Kalaighnam

2.M.Kanagaraj

: Petitioners/Accused Nos.1 & 2

-Vs-

1. The Deputy Superintendent of Police,
Aruppukottai.

2. The Inspector of Police,
Aviyur Police Station,
Virudhunagar District.

: Respondents / Complainants

3.Kalarani

: Respondent / De-facto
Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to issue appropriate direction to the learned Principal Sessions Judge / Special Court, PCR Cases, Srivilliputhur, to receive the bail petition and surrender petition in the above Crime No.176/2017 on the Petitioners / Accused on the date of filing and consequently direct the learned Principle Sessions Judge/ Special Court, PCR Cases, Srivilliputhur to fix the specific date or dates for hearing respondents and the Petitioners / Accused and to dispose both the surrender and bail petition on such date or dates simultaneously on merits in accordance with law.

For Petitioners : Mrs.D.Farjana Ghoushia

For M/s.G.Mariappan

For Respondents : Mr.K.S.Durai Pandian,

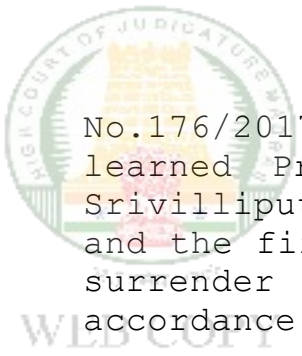
1 and 2

Additional Public Prosecutor

For Respondent 3 : Mr.R.Murugan

O R D E R

This petition is for a direction to the learned Principal Sessions Judge / Special Court, PCR Cases, Srivilliputhur, to receive the bail petition and surrender petition in Crime



No.176/2017 on the date of filing and consequently, to direct the learned Principal Sessions Judge / Special Court, PCR Cases, Srivilliputhur, to fix a specific date for hearing the respondents and the first petitioner / Accused No.1 and to dispose of both the surrender and bail petitions simultaneously on merits in accordance with law.

2.It is represented by the learned counsel appearing for the petitioners that the second petitioner / Accused No.2 was arrested on 21.10.2017 and released on bail on 25.10.2017 and hence, she sought permission of this Court to withdraw this petition as not pressed in respect of second petitioner. She has also made an endorsement to that effect. Hence, this petition is dismissed as not pressed in respect of second petitioner.

3.The complaint lodged by the third respondent / de-facto complainant has been registered in Crime No.176/2017 for the alleged offences punishable under Sections 294(b) and 506(i) I.P.C. and under Section 3(1)(r), 3(1)(s), 3(1)(w)(ii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002.

4.This Court directed notice to the third respondent / de-facto complainant so that she will take notice of the proceedings and about the application that is going to be filed by the first petitioner for surrender and for grant of bail to him.

5.The learned counsel for the petitioners states that the first petitioner is prepared to surrender before the Court on 10.11.2017 and that his bail application may be directed to be disposed of on that date. Since the learned counsel for the third respondent is present after notice, the third respondent may take notice that the first petitioner is surrendering before the learned Principal Sessions Judge / Special Court, PCR Cases, Srivilliputhur, on 10.11.2017 and the learned Principal Sessions Judge / Special Court, PCR Cases, Srivilliputhur, is further directed to dispose of both the surrender and bail petitions on 10.11.2017, after hearing the third respondent who is supposed to be present, if she has any objection to raise in the petitions before the learned Principal Sessions Judge / Special Court, PCR Cases, Srivilliputhur. Since notice is taken on behalf of the third respondent before this Court about the bail petition being moved before the learned Principal Sessions Judge / Special Court, PCR Cases, Srivilliputhur, on 10.11.2017, it is open to the learned Principal Sessions Judge / Special Court, PCR Cases, Srivilliputhur, to dispose of the bail petition on 10.11.2017, on merits and in accordance with law, without issuing any notice to



6. With the above direction, this Criminal Original Petition is ordered.

Sd/-

Assistant Registrar (RTI)

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/True Copy/

Sub Assistant Registrar

To

1. The Principal Sessions Judge / Special Court,
PCR Cases, Srivilliputhur.
2. The Deputy Superintendent of Police,
Aruppukottai.
3. The Inspector of Police,
Aviyur Police Station,
Virudhunagar District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr. G.Mariappan, Advocate Sr.No.85779

SRM

VB/SKN/RSK/SAR4/08/11/2017/3P/6C

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