



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.01.2017

CORAM:

THE HON'BLE MR.JUSTICE G.CHOCKALINGAM

Crl.O.P.(MD)No.23458 of 2016

Shahul Hameed @ Kajashahul Hameed : Petitioner/Accused No.2

Vs.

State represented by
The Assistant Commissioner of Police (Crime)
Palayamkottai Sub Division,
Tirunelveli City.
I/c.Anti-Land Grabbing Special Cell,
Tirunelveli City. : Respondent/Complainant
Crime No.72 of 2012

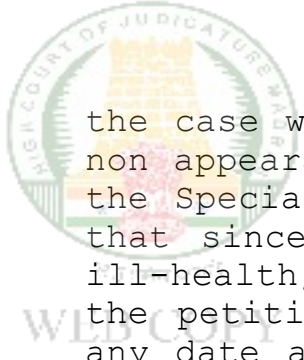
Prayer: This petition is filed under Section 482 of the Criminal Procedure Code, to direct the II Additional District and Sessions Judge (PCR Court), Tirunelveli, to consider the bail application of the petitioner to be filed in PRC No.101 of 2016 on the file of the Special Court for Land Grabbing Special Cell, Tirunelveli, in Crime No.72 of 2016 on the file of the respondent police and to accept their surrender on the same day on merits.

For Petitioner : Mr.M.Sankar
For Respondent : Mr.A.P.Balasubramani
Government Advocate
(Criminal side)

O R D E R

This petition is filed to direct the II Additional District and Sessions Judge (PCR Court), Tirunelveli, to consider the bail application of the petitioner to be filed in PRC No.101 of 2016 on the file of the Special Court for Land Grabbing Special Cell, Tirunelveli, in Crime No.72 of 2016 on the file of the respondent police and to accept his surrender on the same day on merits.

2.The learned counsel for the petitioner has submitted that the petitioner has been falsely implicated for the alleged offences under Sections 465, 467, 468, 471, 420, 120(b), 506(ii) IPC and Section 3 (1) (IV) (V) (VIII) and Section 3 (2) (v) of SC/ST (POA) Act 1989 and



the case was taken on file as PRC No.101 of 2016 and that due to non appearance of the petitioner on 09.12.2016, NBW was issued by the Special Court for Land Grabbing Special Cell, Tirunelveli and that since, the petitioner is working in Bombay and due to his ill-health, he has not appeared before the court below and now, the petitioner is ready to surrender before the trial court at any date and hence, suitable direction may be given to the trial court, in the event of his surrender.

3.The learned Government Advocate (Criminal side) would submit that the petitioner has not appeared before the court below purposely and due to his non-appearance, the trial court could not proceed the case further. Hence, the petition has to be dismissed.

4.Heard the submissions made on either side and perused the materials available on record.

5.Considering the submissions of both sides and also considering the facts and circumstances of the case, this petition is **disposed of** with a direction to the petitioner to surrender before the learned II Additional District & Sessions Judge (PCR Court), Tirunelveli, within fifteen days from today and if he filed any bail application in this crime number, learned II Additional District & Sessions Judge (PCR Court), Tirunelveli, is directed to dispose of the application, after giving notice to the concerned Public Prosecutor, purely on merits and in accordance with law on the same day itself.

6.With this observation, this petition is disposed of accordingly.

Sd/-

Assistant Registrar(T&P)

/True copy/

Sub Assistant Registrar

To

1.The II Additional District and Sessions Judge (PCR Court),
Tirunelveli.

2.The Assistant Commissioner of Police (Crime)
Palayamkottai Sub Division, Tirunelveli City.
I/c.Anti-Land Grabbing Special Cell, Tirunelveli City.

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

+1 cc to M/s.M.Sankar, Advocate in SR.No. 3243

CSL/CM-MSA/SAR-II/21.02.2017 : 2P/5C

Cr1.O.P. (MD) No.23458 of 2016

19.01.2017