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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Tuesday, the Twenty First day of August Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD) No.14607 of 2018

P. SURYA ... PETITIONER / ACCUSED NO.6

Vs

THE STATE REP.BY,
1 THE DEPUTY SUPERINTENDENT OF
POLICE, KARAIKUDI DIVISION, SIVAGANGAI DISTRICT.
... RESPONDENT / INVESTIGATION OFFICER

2 THE INSPECTOR OF POLICE
SAKKOTTAI POLICE STATION,
SIVAGANGAI DISTRICT,
IN CR NO. 165 OF 2017 ... RESPONDENT / COMPLAINANT

3 ARJUN ... RESPONDENT/ DEFACTO COMPLAINANT

For Petitioner : M/S.S.BHARATHY KANNAN Advocate

For Respondents : Mr.OHM CHAIRMA PRABHU Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner earlier filed Crl.O.P.(MD).No.10814 of 2018 seeking the relief now sought for. This Court permitted the petitioner to surrender before the Jurisdictional Magistrate Court and apply for bail which was to be disposed of on the same day. But then, the petitioner was also directed to inform the defacto complainant with regard to the exact date of surrender through registered post. The said communication was returned with an endorsement 'left'. The learned counsel for the petitioner submitted that the learned Special Judge has not accepted the said service. It is made clear that it is enough if the petitioner informs the defacto complainant through registered post and the petitioner cannot do anything more than that even if the post is returned with the endorsement 'left'. That shall be taken as sufficient service.

2 With the above observation, this Court pass the following order.

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3.The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 341, 342, 324 and 506(ii) of IPC r/w 3(1)(r) and 3 (1)(s) of SC/ST (Prevention of Atrocities) Act, in Crime No.165 of 2018, on the file of the respondent police, seeks anticipatory bail.

2.Taking note of the nature of the allegations made against the petitioner, the petitioner is permitted to surrender before the learned Jurisdictional Special Court within a period of two weeks from the date of receipt of a copy of this order.

3.The petitioner shall notify the defacto complainant with regard to the exact date of surrender through registered post. This communication shall be sent at-least one week in advance before the date of surrender. Service of such notice will be taken as service on the defacto complainant for the purpose of statute.

4.On such surrender by the petitioner and his application for regular bail, the jurisdictional Special court is directed to consier the bail application and dispose of the same day.

5.With these observations and directions, this Criminal Original Petitions is disposed of.

sd/-
21/08/2018

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE PRINCIPAL SESSIONS JUDGE,(PCR CASES)
SIVAGANGAI DISTRICT.

2 THE DEPUTY SUPERINTENDENT OF POLICE,
KARAIKUDI DIVISION, SIVAGANGAI DISTRICT.

3 THE INSPECTOR OF POLICE
SAKKOTTAI POLICE STATION,
SIVAGANGAI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.S.BHARATHY KANNAN Advocate SR.No.15844

ORDER
IN
CRL OP(MD) No.14607 of 2018
Date :21/08/2018

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MV:VR:SAR4:23/08/18/2P/6C