



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 24.08.2018
CORAM:
THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Cr1.O.P.(MD).No.14983 of 2018

WEB COPY

Dr.K.Balamurugan ...Petitioner / Accused No.2
Vs.

1. The Assistant Commissioner of Police,
Tirunelveli City,
Tirunelveli Medical College Hospital Police Station,
Tirunelveli.
(Crime No.30 of 2018)

2. The State by
Inspector of Police,
Tirunelveli Medical College Hospital Police Station,
Tirunelveli.
(Crime No.30 of 2018)

...Respondents / Complainants

3.Mr.Kumar @ Kodyankulam Kumar ...Respondent / De facto Complainant

4.Mrs.Geetha ...Respondent / Victim

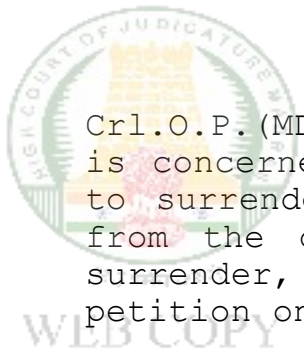
PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondents to direct the trial Court to consider the petitioner's bail petition, in the event of his surrender before the trial Court for regular bail on the same day and pass orders, in the case pending in S.C.No.68 of 2018 on the file of the Additional District Court No.II for PCR Act Cases, Tirunelveli.

For Petitioner	: Mr.A.Natarajan, Senior Counsel for M/s.C.P.Palanichamy
For R1 & R2	: Mr.M.Chandra Sekaran Additional Public Prosecutor

ORDER

The petitioner is arrayed as Accused No.2. This Criminal Original Petition has been filed for a direction to the Trial Court to consider the bail application of the petitioner on the same day and to pass orders in the case pending in S.C.No.68 of 2018, on the file of the Additional District Court No.II for PCR Act Cases, Tirunelveli.

2. The learned Senior counsel appearing for the petitioner would submit that non bailable warrant is pending against the petitioner in S.C.No.68 of 2018. The learned Senior counsel also brought to the notice of this Court an order passed by this Court in <https://hcservices.ecourts.gov.in/hcservices/>



Crl.O.P.(MD).8671 of 2018 dated 23.05.2018, insofar as Accused No.1 is concerned. In the said order, this Court directed Accused No.1 to surrender before the trial Court within a period of two weeks from the date of receipt of a copy of this order and on such surrender, the trial Court was directed to consider the bail petition on the same day.

3. The learned Senior Counsel would further submit that final report has been filed and the same has been taken on file as S.C.No.68 of 2018. Since the petitioner did not appear before the trial Court, non bailable warrant was issued by the Special Court.

4. Taking into consideration, the earlier order passed by this Court, this Court deems it fit to give a similar direction to this petitioner also who has been arrayed as Accused No.2.

5. In view of the amendments made in the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, this Court is of the view that the usual directions that were issued by this Court cannot be issued routinely in all cases. Therefore, the petitioner is directed to surrender before the trial Court within a period of two weeks from the date of receipt of copy of this order and on such surrender, the learned Additional District Judge No.II for PCR Act cases, Tirunelveli, is directed to consider the bail petition filed by the petitioner on the same day in connection with S.C.No.68 of 2018, on merits and in accordance with law, after issuing notice to the victims under Section 15(A) of the SC/ST Act.

6. With the above direction, this Criminal Original Petition stands disposed of.

Sd/-

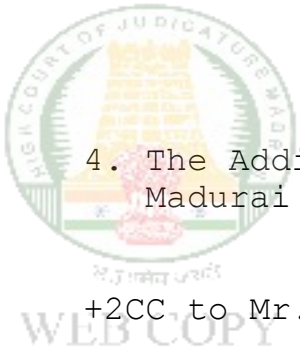
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar(CS-II)

To

1. The Second Additional District Judge, PCR Act Cases, Tirunelveli.
2. The Assistant Commissioner of Police, Tirunelveli City, Tirunelveli Medical College Hospital Police Station, Tirunelveli.
3. The Inspector of Police, Tirunelveli Medical College Hospital Police Station, Tirunelveli.



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

+2CC to Mr.C.P.Palanichamy, Advocate, SR.No. 79975

Crl.O.P.(MD).No.14983 of 2018
24.08.2018

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