



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Crl.O.P. (MD) .No.20031 of 2018

M.Sadhasivam

.. Petitioner

Vs.

1.The Deputy Superintendent of Police,
Railway Police Station,
Karaikudi, Sivagangai District.

2.The Inspector of Police,
Railway Police Station,
Karaikudi, Sivagangai District.
(Crime No.15 of 2018)

..

Respondents/Complainant

3.Balamurugan

4.Radha

5.Ramamoorthy

.. Respondents/Accused No.1,2 & 4

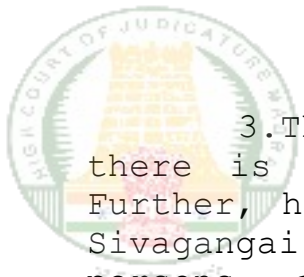
PRAYER: Criminal Original Petition filed under Section 482 of the Cr.P.C., to cancel the order of bail granted by the learned Principal Sessions Judge, Pudukkottai in Cr.M.P.No.2895 of 2018 dated 25.10.2018 in respect of the respondents No.3 to 5.

For Petitioner : Mr.S.M.Anantha Murugan
For Respondents : Mr.K.Suyumbulinga Bharathi for
R1 & R2
Government Advocate (Crl. Side)
Mr.T.Veerakumar for
M/s D.Ramesh Kumar for R3 to R5

O R D E R

This petition has been filed by the petitioner to cancel the order of bail granted by the learned Principal Sessions Judge, Pudukkottai in Cr.M.P.No.2895 of 2018 dated 25.10.2018 in respect of the respondents No.3 to 5.

2.The respondents 3 to 5 were arrested by the respondent police in Crime No.15 of 2018 for the offences punishable under Sections 174 of Cr.P.C 306 IPC, Section 3(1) (j) of SC/ST Act. For which, the respondents 3 to 5 had filed an bail application before the learned Principal Sessions Judge, Pudukkottai and the learned Principal Sessions Judge, Pudukkottai granted bail to them on 25.10.2018. Now, the defacto complainant has come forward with this present petition for cancellation of the bail granted to the



3.The learned counsel for the petitioner would submit that there is a violation under Section 15 (A) of the SC/ST Act. Further, he submits that the learned District and Sessions Judge, Sivagangai is having the original jurisdiction. But, the accused persons approached the learned Principal Sessions Judge, Pudukkottai and obtained bail order in their favour. Moreover, the mandatory procedure under Section 15-A of the SC/ST Act was not followed by the accused persons. Hence, he filed the present application for cancellation of bail.

4.The learned counsel appearing for the respondents 3 to 5 would submit that after marking the appearance of the complainant and also recording his objections, the trial Court has granted bail to the accused persons. Hence, there is no violation of Section 15-A of SC/ST Act.

5.The learned Additional Public Prosecutor appearing for the state would submit that the bail was granted on 25.10.2018 after hearing both parties.

6.Heard both sides.

7.On perusal of the order passed by the trial Court, dated 25.10.2018, it is clear that the learned Sessions Judge heard the petitioner/ complainant and marked his presence. Thereafter, he granted bail to the accused persons. Considering the facts and circumstances of this case, this Court is of the opinion that there is no procedural violation of Section 15-A of the SC/ST Act. Hence, I am not inclined to entertain this petition.

8.Accordingly, this criminal original petition stands dismissed.

Sd/-

Assistant Registrar ()

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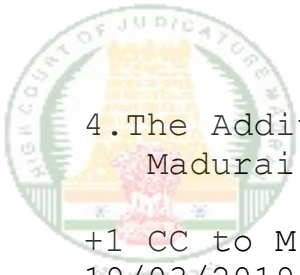
Sub Assistant Registrar(CS)

To

1.The Principal Sessions Judge, Pudukkottai.

2.The Deputy Superintendent of Police,
Railway Police Station,
Karaikudi, Sivagangai District.

3.The Inspector of Police,
Railway Police Station,
Karaikudi, Sivagangai District.



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

+1 CC to M/s.D.RAMESHKUMAR, Advocate (SR-55164[F] dated
19/03/2019)

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Cr1.O.P. (MD) .No. 20031 of 2018
18.03.2019

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