



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE **V.BHARATHIDASAN**

Crl.O.P. (MD) No.9728 of 2019

Gopal : Petitioner/Sole Accused

Versus

1.The Deputy Superintendent of Police,
Keelakarai,
Ramanathapuram District.

2.The Inspector of Police,
Uthirakosamangai Police Station,
Ramanathapuram District.
(Crime No.13 of 2019).

: Respondents/Complainant

3.S.Ganesan : 3rd Respondent/Defacto Complainant

Prayer: Petition is filed under Section 482 of the Criminal Procedure Code praying to direct the learned Principal District and Sessions Judge (PCR), Ramanathapuram, to accept the surrender of the petitioner/Accused and consider the petitioner bail application and grant bail on the date of surrender itself in Crime No.13 of 2019 on the file of the second respondent police.

For Petitioner : Mr.N.Balasubramanian
For Respondents 1&2 : Mr.K.K.Ramakrishnan,
Additional Public Prosecutor

O R D E R

This petition has been filed seeking a direction to the learned Principal District and Sessions Judge (PCR), Ramanathapuram, to accept the surrender of the petitioner/Accused and consider his bail application and grant bail on the date of surrender itself in Crime No.13 of 2019 on the file of the second respondent police.

2. The grievance of the petitioner is that, already, the petitioner has filed a similar petition before this Court in Crl.O.P.(MD)No.4383 of 2019 and this Court, by order dated 25.03.2019, directed the petitioner to surrender before the Trial Court, within a period of ten days from the date of receipt of a copy of the said order. Since the petitioner could not surrender



before the Trial Court within the time stipulated by this Court, the present petition has been filed.

3. Heard the submissions made on either side.

4. Earlier, the petitioner filed Crl.O.P.(MD)No.4383 of 2019 seeking for a direction to accept the surrender of the petitioner and also to consider the bail application and to grant bail on the date of surrender itself. This Court, by order dated 25.03.2019, directed the petitioner to surrender before the Trial Court, within a period of ten days from the date of receipt of a copy of the said order and the learned Principal District and Sessions Judge (PCR), Ramanathapuram, was directed to deal with the matter on the same day. Since the petitioner could not surrender, within the time stipulated by this Court, he has filed a Miscellaneous Petition in Crl.M.P.(MD)No.4264 of 2019, seeking for extension and that petition was also ordered by this Court on 30.04.2019, extending the time for a further period of ten days from the date of receipt of a copy of the said order. Even thereafter, the petitioner did not surrender, but, he has filed another Miscellaneous Petition in Crl.M.P.(MD)No.5235 of 2019, seeking for extension, wherein, this Court, by order dated 20.06.2019, dismissed the said petition. Now, the petitioner came out with a fresh petition seeking for a direction to accept the surrender and pass orders on the bail application on the same day of surrender. Already, this Court has granted the relief to the petitioner, but, he did not comply with the order passed by this Court. In the above circumstances, the petitioner cannot maintain a second petition seeking for the similar relief. Hence, the Criminal Original Petition is not maintainable and accordingly, the same stands dismissed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS)

To

1.The Principal District and Sessions Judge (PCR),
Ramanathapuram.

2.The Deputy Superintendent of Police,

~~Keelethraim~~
~~Keelathraim~~

Ramanathapuram District.



3.The Inspector of Police,
Uthirakosamangai Police Station,
Ramanathapuram District.

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

SML

Order made in
Cr1.O.P.(MD) No.9728 of 2019
Dated: - 12.07.2019

KM/ (25.07.2019) 3P 5C