



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 13.03.2020

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P. (MD)No.4217 of 2020

Indira Gandhi ...Petitioner/Accused Rank not Known

Vs.

1.State represented by the
Deputy Superintendent of Police,
Sivagangai District.

2.The Inspector of Police,
All Women Police Station,
Sivagangai,
Sivagangai District.
(Crime No.04 of 2020) ... Respondent/Complainant

3.Minor.Thaniya
(R3 minor Rep.by her father Siva Prakash)
... Respondent/Defacto Complainant

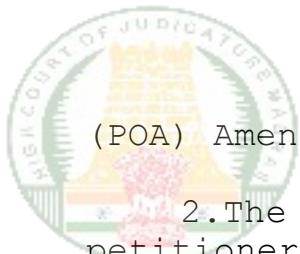
4.The District Collector,
Sivagangai District.
(R4 impleaded as per order of this
Court dated 06.03.2020 in
Crl.O.P.(MD)No.4217 of 2020) ...Proposed/Respondents

Prayer: This Criminal Original Petition is filed under Section 482 Cr.P.C. to direct the learned Special Sessions Judge (PCR), Sivagangai to consider the bail application of the petitioner on the same day of filing in Crime No.04 of 2020 on the file of the 2nd respondent police.

For Petitioner : Mr.L.Shaji Chellan
For Respondent : Mr.A.Robinson
Government Advocate (Crl. side)

ORDER

The petitioner is shown as an accused in Crime No.4 of 2020 registered on the file of the second respondent for the offences under Sections 195-A (ii), 201, 506(i) IPC r/w.3(2) VI of SC/ST



(POA) Amendment Act.

2.The petitioner's counsel strongly submitted that the petitioner has been an independent prosecutor and that she has been falsely framed and implicated.

3.I consciously refrain from going into the said contention. Be that as it may, the petitioner is permitted to surrender before the Court below on 18.03.2020 and apply for regular bail. It is the duty of the second respondent to intimate the complainant about the proposed surrender by the petitioner herein. The learned Special Judge will dispose of the petitioner's bail petition on the same day of surrender.

4.It is true that this Court has only directed the Special Judge to pass orders on merits, but then, I am confident that the learned Special Judge will consider as to whether any purpose will be served by directing the formal remand of the petitioner herein. The petitioner is a woman, who is aged about 53 years and the petitioner's counsel asserted that she has got a good track record as Special Public Prosecutor. It is stated that as a Prosecutor, in a very large number of cases, she was able to argue well and get conviction for the accused. Therefore, the learned Special Judge shall approach the issue with an open mind and pass orders in this case.

5.This Criminal Original Petition is allowed.

Sd/-

Assistant Registrar(CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

rj2

To

1.The Deputy Superintendent of Police,
Sivagangai District.

2.The Inspector of Police,
All Women Police Station,
Sivagangai,
Sivagangai District.



Crl.O.P.(MD)No.4217 of 2020

3.The District Collector,
Sivagangai District.

+1 CC to M/s.L.SHAJICHELLAN, Advocate (SR-11724[F] dated
16/03/2020)

Crl.O.P. (MD)No.4217 of 2020
13.03.2020

NS (CO)
TR(17.03.2020)3P 5C