



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.12.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

Crl.O.P (MD) No.15229 of 2020

L.Murugan

..Petitioner/Accused No.1

Vs

1.The Deputy Superintendent of Police,
Sivagangai,
Sivagangai District.

2.The State,
by its Inspector of Police,
Sivagangai Taluk Station,
Sivagangai District.
FIR No.477 of 2020

..Respondent/Complainant

3.Kulanthaisamy

..3rd Respondent /Defacto
Complainant

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to direct the learned District and Sessions Judge (PCR Cases), Sivagangai to consider their bail application on the surrender of the petitioner/accused No.1, on the same day in connection with Crime No.477 of 2020 dated 21.11.2020, on the file of the respondent police on merits on the same day.

For Petitioner : Mr.Pon Eswara Moorthy.J

For R1 & R2 : Mr.V.Neelakandan

Additional Public Prosecutor (Crl.side)

O R D E R

The petitioner is arrayed as the first accused in Crime No.477 of 2020 registered on the file of Sivagangai Taluk Station, Sivagangai District, for the alleged offences under Sections 341, 294(b), 323, 355, 506(i) IPC and 3(1)(r), 3(1)(s) of SC/ST (Prevention of Atrocities) Amendment Act, 2015.

2.The learned counsel appearing for the petitioner reiterated the contentions set out in the original petition. In addition, the learned counsel would submit that the name of the petitioner/Accused No.1 is wrongly mentioned in the First Information Report as Lingam S/o Arumugam, instead of L.Murugan S/o Lingam.

3.The learned Additional Public Prosecutor, on instructions, would submit that totally there are two accused in this case. The petitioner is the first accused. There is no previous case pending against the petitioner. The victim sustained only simple injury. He



would further submit that he has no objection for allowing this petition.

4. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor (Crl. Side) appearing for the respondents 1 & 2. Since no adverse order is going to be passed, notice to 3rd respondent is dispensed with.

5. I am of the view that interest of justice will be served by permitting the petitioner to surrender before the learned District and Sessions Judge (PCR Cases), Sivagangai, within a period of four weeks from the date of receipt of a copy of this order. The learned Judge will dispose of the petitioner's bail petition on the same day of surrender on its own merits. There will be a direction to the respondents 1 and 2 not to arrest the petitioner till the expiry of the period of four weeks. The name of the petitioner/Accused No.1 shall be treated as L.Murugan, S/o Lingam, since it was wrongly mentioned in the First Information Report as Lingam S/o Arumugam and it is stated that it has already been corrected by the respondent police.

6. This Criminal Original Petition is allowed on these terms.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

vrn

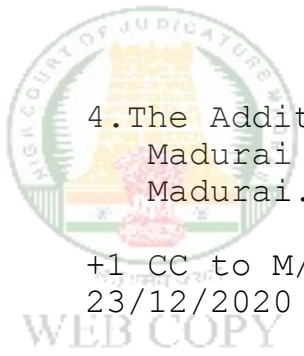
NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The District and Sessions Judge (PCR Cases),
Sivagangai.

2. The Deputy Superintendent of Police,
Sivagangai,
Sivagangai District.

3. The Inspector of Police,
Sivagangai Taluk Station,
Sivagangai District.
FIR No.477 of 2020



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

+1 CC to M/s.PON ESWARA MOORTHY, Advocate (SR-27110[F] dated
23/12/2020)

Crl.O.P(MD)No.15229 of 2020
21.12.2020

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VR (CO)

KK(31.12.2020) 3P 6C