



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.04.2021

CORAM :

THE HONOURABLE **Mr. JUSTICE G.ILANGOVAN**

Crl.O.P. (MD)No.5115 of 2021

Appukuttan

... Petitioner/
Accused No.2

Vs.

1.The Deputy Superintendent of Police,
Kanyakumari District.

2.The Inspector of Police,
Kulasekaram Police Station,
Kanyakumari District.
(Crime No.41 of 2021)

3.Shanmugam

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the learned II Additional District and Sessions Court (F.A.C), Tirunelveli, to consider the petitioner's bail application on the same day of his surrender in Crime No.41 /2021 on the file of the second respondent police.

For Petitioner : Mr.S.C.Herold Singh

For R-1 and R-2 : Mr.K.Suyambulinga Bharathi
Government Advocate (crl.side)

ORDER

The petitioner is the second accused in Crime No.41 of 2021 of Kulasekaram Police Station, Kanyakumari District and the offences alleged against the accused are under Sections 294(b), 323 and 506 (i) of IPC r/w Sections 3(1)(r) and 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015.

2.When the petition came up for hearing on 08.04.2021, a representation was made by the learned Government Advocate(crl.side) that the missing boy was not yet secured and the matter is adjourned



to 19.04.2021.

3.The learned counsel for the petitioner enclosed a copy of the order passed by the learned II Additional Sessions Judge, Tirunelveli, in a bail application filed by the co-accused namely, Shajin Kumar @ Shaji Mon in Crl.M.P.No.60 of 2021 dated 09.04.2021, in which it has been observed that even though the earlier bail application was dismissed on the ground that mentally challenged son of the de-facto complaint was not secured till then, but later, during the course of investigation, it was found by the prosecution that the missing son was not in the custody of the accused persons and on that ground, the further bail application was allowed filed by the co-accused.

4. Considering the above observation, I am of the considered view that this petitioner shall also be considered for grant of bail by the trial court. Accordingly, this Court is inclined to pass the following orders:-

- 1) The petitioner should appear before the learned II Additional District and Sessions Court (F.A.C), Tirunelveli, within a period of 15 days from the date of receipt of a copy of this order / uploading of the order.
- 2) On such surrender, concerned Sessions Judge, may consider the bail application filed by the petitioner on merits on the same day of surrender, after giving notice to the concerned Public Prosecutor and after complying Section 15(5) of the Act.

5. With the above observation, this Criminal Original Petition is disposed of.

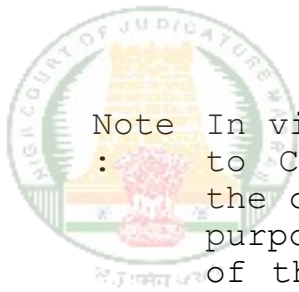
Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)



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.

CP
To

- 1.The II Additional District and Sessions Court (F.A.C),
Tirunelveli.
- 2.The Deputy Superintendent of Police,
Kanyakumari District.
- 3.The Inspector of Police,
Kulasekaram Police Station,
Kanyakumari District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P. (MD)No.5115 of 2021

19.04.2021

GS (21.05.2021) 3P 5C