



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.04.2021

WEB COPY

**CORAM :
THE HONOURABLE Mr. JUSTICE G.ILANGO VAN**

Crl.OP(MD).No.5855 of 2021

Prabaharan ...Petitioner/Accused No.4
Vs.

- 1.State rep by
The Deputy Superintendent of Police,
Theni, Theni District.
- 2.The Inspector of Police,
Allinagaram Police Station,
Theni District.
(Crime No.174 of 2021) ...Respondents/Complainant
- 3.T.Govindan
- 4.Sundar ...Respondent/Defacto Complainant/Victim

Prayer: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the Additional District and Session Judge, Theni (PCR Act Cases) to consider the bail application on his surrender on the same day, if any petition filed by the petitioner in Crime No. 174 of 2021 on the file of 2nd respondent.

For Petitioner	:Mr.C.Susikumar
For Respondents	:Mr.K.Suyambulinga Bharathi Government Advocate (Crl.Side) for R1 & R2.

ORDER

The petitioner is the 4th accused in Crime No.174 of 2021 of Allinagaram Police Station, Theni District and the offences alleged against the accused are under Sections 147, 148, 294(b), 323 and 324 of I.P.C., and 3(1) (r), 3(1) (s), 3(2) (va) of SC/ST (POA) Act 2015.

2.The present petition filed by the petitioner is to direct the learned Additional District and Session Judge, Theni (PCR Act Cases), to accept the surrender of the petitioner and also to consider the bail application on the same day.

3.Mr.K.Suyambulinga Bharathi, learned Government Advocate (Crl. Side) accepts notice for the respondents 1 and 2. The 3rd and 4th



respondents are the de-facto complainants.

4. Since the prayer itself is to accept the surrender of the petitioner and consider the bail application, this Court is inclined to pass the following orders :-

1) The petitioner should appear before the learned Additional District and Session Judge, Theni (PCR Act Cases), 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 by complying Section 15(5) of the Act.

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

Sd/-

Assistant Registrar (CS I)

// 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.

To:

1. The Addl. District and Sessions Judge, Theni. (PCR Act Cases)
2. The Deputy Superintendent of Police, Theni, Theni District.
3. The Inspector of Police, Allinagaram Police Station, Theni District.
4. The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.

Crl.O.P. (MD) No.5855 of 2021

23.04.2021