



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.06.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Crl.O.P(MD)No.7048 of 2021

Prabhu @ Venkatesh Prabhu

... Petitioner/Accused No.2

Vs

1.The Deputy Superintendent of Police,
Thalayuthu Sub Division,
Thalayuthu,
Tirunelveli District.
Cr.No. 149 of 2021.

2.The Inspector of Police,
Tirunelveli Taluk Police Station,
Tirunelveli,
Tirunelveli District.
Cr.No. 149 of 2021.

... Respondents 1 & 2/Complainant

3.Kumar

... 3rd Respondent/Defacto Complainant

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to direct the learned 2nd Additional Sessions Judge for SC/ST (POA) Act, PCR Court, Tirunelveli, to consider the bail application of the petitioner on the same day of his surrender in Crime No. 149 of 2021 on the file of the 1st and 2nd respondents police.

For Petitioner : Mr.N.Pragalathan
For R1 and R2 : Mr.M.Muthumanikkam,
Government Advocate(Crl.Side)

O R D E R

This Criminal Original Petition has been filed praying for a direction to the learned 2nd Additional Sessions Judge for SC/ST (POA)Act, PCR Court, Tirunelveli, to consider the bail application of the petitioner on the same day of his surrender in Crime No. 149 of 2021 on the file of the first and second respondents police.

2.The petitioner is the second accused in Crime No.149 of 2021 on the file of the second respondent for the offences punishable under Sections 294(b), 436 & 506(ii) I.P.C and Section 4 of the Prohibition of Harassment of Women Act, 2002 and Sections 3 (1)(r), 3(1)(s) and 3(2)(iv), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015.

3.Mr.M.Muthumanikkam, learned Government Advocate (criminal side), accepts notice for the respondents 1 and 2.



4.Considering the facts and circumstances of the case, this Court is inclined to pass the following orders :-

i)The petitioner shall appear before the learned 2nd Additional Sessions Judge for SC/ST (POA) Act, PCR Court, Tirunelveli, within a period of one month, from the date of resumption of regular work in subordinate Courts.

ii)On such surrender along with notice served to the defacto complainant, the concerned Judge shall consider the bail application filed by the petitioner and pass orders on merits on the same day of his surrender, after hearing the defacto complainant by complying with Section 15-A 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)

Ls

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 2nd Additional Sessions Judge
for SC/ST (POA)Act, PCR Court,
Tirunelveli
- 2.The Deputy Superintendent of Police,
Thalayuthu Sub Division,
Thalayuthu,
Tirunelveli District.
- 3.The Inspector of Police,
Tirunelveli Taluk Police Station,
Tirunelveli,
Tirunelveli District.



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

+1 CC to M/s.N.PRAGALATHAN, Advocate (SR-18753[F] dated
04/06/2021)

CrI.O.P(MD)No.7048 of 2021
04.06.2021

na (CO)
TR(11.06.2021) 3P 6C