



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.07.2021

CORAM :

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

Crl.O.P.(MD)No.8225 of 2021

M.Ravikumar ... Petitioner/Accused No.2
Vs.

1.The Deputy Superintendent of Police,
Usilampatty Division,
Madurai District.

2.State rep by
Inspector of Police,
Usilampatty Town Police Station,
Madurai District.
(Crime No.2172 of 2020) ... Respondents 1 & 2/Complainants

3.C.Chandrasekaran ... 3rd Respondent/Defacto Complainant

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the Additional District Judge No.III, (P.C.R Court), Madurai, to consider the bail application of the petitioner herein on the same day of surrender pertaining to the Crime No.2172 of 2020 on the file of the 2nd respondent.

For Petitioner : Mr.H.Arumugam
For Respondents 1 & 2 : Mr.R.M.Anbunithi
Additional Public Prosecutor

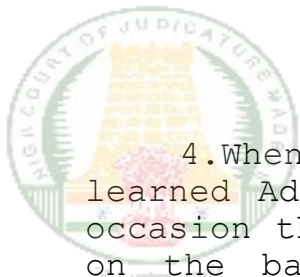
For R3 : Mr.M.Maharaja

ORDER

The petitioner is the second accused in Crime No. 2172 of 2020 of Usilampatty Town Police Station, Madurai District, and the offences alleged against the accused are under Sections 294 (b), 323, 506 (i) r/w 3(1) (R) , 3(1) (s) of SC/ST Amendment Act, 2015.

2.The present petition is filed by the petitioner is to direct the learned Additional District Judge No.III, (P.C.R Court), Madurai, to accept the surrender of the petitioner and also to consider the bail application on the same day.

3.Mr.R.M.Anbunithi, learned Additional Public Prosecutor accepts notice for the respondents 1 and 2. The third respondent is the de-facto complainant.



4. When the matter was taken up for hearing on 08.07.2021, the learned Additional Public Prosecutor has submitted that on earlier occasion the co-accused have moved a similar direction petition and on the basis of a direction, given by this Court, their bail application was considered, by the Trial Court and they were enlarged on bail. Later, a similar offence has been committed, which is registered in Crime No.317 of 2021 on 29.06.2021, at about 8.35 p.m. Wherein, one Jeyakumar, who is the first accused in Crime No.2172 of 2020 alleged to have committed a similar offence.

5. According to the learned Additional Public Prosecutor, when the co-accused namely, Jeyakumar has misused the privilege, that has been granted, by this Court, the petitioner should also be denied, such a privilege.

6. The learned counsel for the petitioner would submit that only the said Jeyakumar is involved in the subsequent occurrence and even as per the case of the prosecution, the petitioner is in no way involved. So, for the alleged offences have been committed by the co-accused, this petitioner should not be penalised. For the purpose of showing non involvement, he has also produced C.C.T.V footage.

7. But, however, the learned counsel for the third respondent, vehemently opposed this petition, on the ground that already, privilege have been misused by the co-accused, who is the brother-in-law of the petitioner. Dispute arose between the parties over the lease hold right of the property. So, he makes objection.

8. In Crime No.317 of 2021, the defacto complainant stated that the accused Jeyakumar, caused injury, stating that how dare to implicate Ravikumar, who is the petitioner herein. So, it is seen that only Jeyakumar alleged to have assaulted the defacto complainant in the second case. So, the submission made by the learned counsel for the petitioner that for the alleged offence alleged to have been committed by his brother-in-law and he should not be penalised, appears to be reasonable and acceptable one.

9. 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 Judge No.III, (P.C.R Court), Madurai, 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.

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

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

dss

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 Additional District Judge No.III, (P.C.R Court),
Madurai.
- 2.The Deputy Superintendent of Police,
Usilampatty Division,
Madurai District.
- 3.The Inspector of Police,
Usilampatty Town Police Station,
Madurai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.H.ARUMUGAM, Advocate (SR-24618[F] dated 30/07/2021)

Crl.O.P. (MD)No.8225 of 2021

29.07.2021

MGJ(09.08.2021) 3P 6C