



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 19.07.2021

CORAM:

THE HON'BLE MR JUSTICE G.ILANGO VAN

Crl.O.P. (MD)Nos.8992, 9024, 9044, 9094 & 9098 of 2021

WEB COPY

- 1.Dhinesh @ Dhinesh Kumar
2.Dhayalan @ Dhinadhayalan ... Petitioners/Accused Nos.5 & 16
(in Crl.O.P.(MD)No.8992 of 2021)
- 1.Chandran @ Chandrasekaran
2.Ramalingam @ Muthuramalingam
3.Paramakrishnan @ Paramu
4.Suresh ... Petitioners/Accused Nos.8,9,12 & 13
(in Crl.O.P.(MD)No. 9024 of 2021)
- 1.Muthu
2.Bavi @ Bavithran
3.Dhanush ... Petitioners/Accused Nos.3, 6 & 11
(in Crl.O.P.(MD)No.9044 of 2021)
- Rahul ... Petitioner/Accused No.15
(in Crl.O.P.(MD)No. 9094 of 2021)
- Prabhu ... Petitioner/Accused No.10
(in Crl.O.P.(MD)No. 9098 of 2021)

Vs.

- 1.The Deputy Superintendent of Police,
Melur Taluk,
Madurai District.
- 2.State represented by
The Inspector of Police,
Keelavalavu Police Station,
Madurai District.
(Crime No.205 of 2021) ...1st & 2nd Respondents/Complainants
in all Petitions
- 2.Prasath ... 3rd Respondent/Defacto
Complainant
(in all petitions)

Common Prayer:Criminal Original Petitions filed under Section 482 Criminal Procedure Code to direct the III Additional District and Sessions Judge, Madurai (PCR Court) to consider the bail application to be filed by the petitioners on the same day in Crime No.205 of 2021 on the file of Inspector of Police, Keelavalavu Station, pending investigation with such terms and conditions imposed by this Court.



For Petitioners : Mr.R.Aravindraja
(in CrI.O.P.(MD)No.8992 of 2021)

For Petitioners : Mr.R.Murugan
(in CrI.O.P.(MD)Nos.9024 & 9044 of 2021)

For Petitioners : Mr.S.Balasubramanian
(in CrI.O.P.(MD)Nos.9094 & 9098 of 2021)

For R1 & R2 : Mr.R.M.Anbunithi
Additional Public Prosecutor
(In all Petitions)

COMMON ORDER

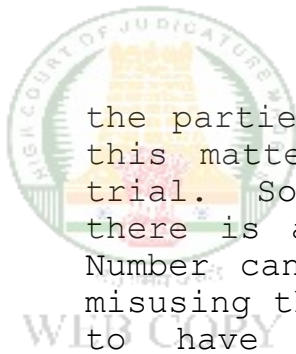
These Criminal Original Petitions have been filed to direct the III Additional District and Sessions Judge, Madurai (PCR Court) to consider the bail application to be filed by the petitioners on the same day of surrender in Crime No.205 of 2021 on the file of Inspector of Police, Keelavalavu Station, Madurai District.

2. When all the matters taken up for hearing, the learned Additional Public Prosecutor would submit that in respect of Crime No.197 of 2021, a direction was issued by this Court, to consider the bail applications of the petitioners on the same day of their surrender. So, in pursuance of which, bail was also granted in the above said crime number. Subsequent to that, all the petitioners have involved in unlawful assembly and again committed the occurrence. Which was registered in Crime No.205/2021.

3. In all the petitions, the learned counsel for the petitioners would submit that it is a case in counter. In respect of which, a complaint in Crime No.206 of 2021 for the offences punishable under Sections 147, 148 & 294 (b) IPC was registered. Since it is a case in counter, their bail applications have to be considered on the same date of surrender.

4. But, as mentioned earlier, strong objection has been raised by the learned Additional Public Prosecutor that these petitioners have misused a direction given by this Court in the above said Criminal Original Petitions and in the above said crime number. So, they don't deserve any consideration.

5. Reading of the First Information Report shows that not only assault, but, also damage has been caused. A reference is also been made with regard to the earlier occurrence in the above said crime number. The counter complaint reads that the accused persons in the counter complaint, caused assault upon the persons, who were released on bail in Crime No.197 of 2021. It appears that after release on bail, in Crime No.197 of 2021, present occurrence said to have taken place. It is seen that continues trouble arises between



the parties in the village. This is not a matter for discussion in this matter, it is got to be decided only during the course of trial. So, the contention on the part of the petitioner that since there is a counter case, a direction may be issued in the Crime Number cannot be accepted. As stated earlier, it appears that by misusing the direction given by this Court, the present offence said to have taken place. So, such persons, don't deserve any consideration for a direction.

6. So, without going to the merits of the case, all the petitions are dismissed.

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 Deputy Superintendent of Police,
Melur Taluk,
Madurai District.

2.State represented by
The Inspector of Police,
Keelavalavu Police Station,
Madurai District.

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

CrI.O.P. (MD) Nos.8992, 9024, 9044, 9094 & 9098 of 2021
19.07.2021

RK (30.07.2021) 3P 4C