



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.08.2021

CORAM:

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

Crl.O.P.(MD)No.9496 of 2021

WEB COPY

1.Muthuraman
2.Balamurugan @ Bala
3.Guruselvam @ Guru

... Petitioners/Accused No.1 to 3

Vs.

1.The Deputy Superintendent of Police,
Paramakudi Division,
Ramanathapuram District.

2.The Inspector of Police,
Emaneshwaram Police Station,
Ramanathapuram District.

3.Murugesan

... Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the learned District Sessions Judge (PCR Act Cases), Ramanathapuram to consider the bail application of the petitioners on the same day of filling in Crime No.154 of 2021 on the file of the second respondent Police Station.

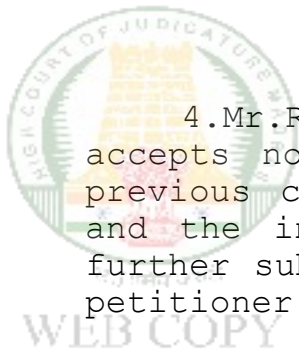
For Petitioners : Mr.K.Navaneetharaja
For R1 and R2 : Mr.R.M.Anbunithi
Additional Public Prosecutor

ORDER

This petition has been filed seeking direction to direct the learned District Sessions Judge (PCR Act Cases), Ramanathapuram to consider the bail application of the petitioners on the same day of filling in Crime No.154 of 2021 on the file of the second respondent Police Station.

2.When the matter was taken up for hearing on 29.08.2021, it was noticed that the copy of the alteration report for the above said crime number was not circulated to this Court. Hence this case was posted today i.e. 31.08.2021.

3.The learned Additional Public Prosecutor has produced the copy of the alteration report, it shows that the petitioners are the accused in Crime No.154 of 2021, on the file of the second respondent for the offences punishable under Sections 294(b), 323, 324 and 506(ii) of IPC @ 294(b), 323, 324, 506(ii) of IPC, Sections 3(1) (r) and 3(1) (s) of the SC/ST (POA) Act.



4.Mr.R.M.Anbunithi, learned Additional Public Prosecutor who accepts notice for the respondents 1 and 2 would submit that no previous case is pending against the second and third petitioners and the injured was also discharged from the Hospital. He would further submit that two previous case is pending against the first petitioner in Crime Nos.163 of 2018 and 254 of 2017.

5.The learned Additional Public Prosecutor would submit that first petitioner has involved in one another case in Crime No.289 of 2021 and he has produced copy of the FIR, wherein it has been stated that the some persons have illegally transported Virali Turmeric by using Boliro Maxicap.

6.According to the first petitioner he has not involved in the above said occurrence and his name was not found in the above said FIR and first petitioner belongs to the very same community of the defacto complainant so the offence of the said Act is not attracted against him.

7.Considering the facts and circumstances of the case and also the previous antecedents of the first petitioner, this Court is not inclined to allow this petition. Accordingly, this petition is dismissed insofar as the first petitioner is concerned.

8.Insofar as the second and third petitioners are concerned, since no criminal case is pending against them, this Court is inclined to pass the following orders as against the second and third petitioners alone:-

1)The second and third petitioners shall appear before the learned District Sessions Judge (PCR Act Cases), Ramanathapuram within a period of 15 days from the date of receipt of a copy of this order.

2)On such surrender along with notice served to the defacto complainant, the concerned Judge shall consider the bail application filed by the second and third petitioners and pass orders on merits on the same day of their surrender, after hearing the defacto complainant by complying with Section 15(5) of the Act.

9.Accordingly, this Criminal Original Petition is partly allowed.

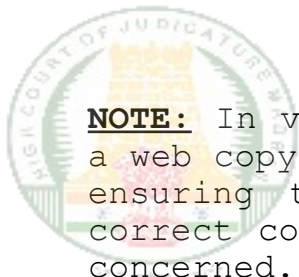
Sd/-

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.

WEB COPY

To

- 1.The District Sessions Judge (PCR Act Cases),
Ramanathapuram.
- 2.The Deputy Superintendent of Police,
Paramakudi Division,
Ramanathapuram District.
- 3.The Inspector of Police,
Emaneshwaram Police Station,
Ramanathapuram District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P. (MD)No.9496 of 2021
31.08.2021

RS (09.09.2021) 3P 5C