



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20/07/2021

CORAM:

THE HONOURABLE MR.JUSTICE G.ILANGOVAN

Crl.O.P. (MD)No.9639 of 2021

Arun kumar

.. Petitioner/Accused
(Rank not known)

vs

1.The State

By the Deputy Superintendent of Police,
Valliyoor District,
Tirunelveli District.

..1st Respondent/
Investigation Officer

2.The Inspector of Police,

Thisayanvilai Police Station,
Tirunelveli District

..2nd Respondent/Complainant

3.Kumar

.. 3rd Respondent/
Defacto complainant/

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the II Additional District & Sessions Judge (Special Court for PCR Cases), Tirunelveli to consider his bail application on the same day of his surrender in respect of Crime No.322 of 2021, on the file of the second respondent, pending investigation

For Petitioner : Mr.Venkatesh

For R-1 and R-2 : Mr.R.M.Anbunidhi

Additional Public Prosecutor

O R D E R

This petition has been filed to direct the learned II Additional District & Sessions Judge (Special Court for PCR Cases), Tirunelveli to dispose the bail application filed by the petitioner on merits on the same day of his surrender before the above mentioned Court in pending investigation of Crime No.322 of 2021, on the file of the second respondent.

2. The learned counsel for the petitioner would submit that based upon the complaint given by the third respondent, the second respondent registered a case against one named and one unnamed persons for the offence punishable under Sections 341, 294(b), 323, 448 & 506(ii) IPC r/w 3(1) (v) 3(1) (s) and 3(2) (Va) of the SC/ST (POA) Amendment Act, 2015.



3. 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 petitioner and the injured was also discharged from the Hospital.

WEB COPY 4. Considering the facts and circumstances of the case and also taking into consideration the submission of the learned Additional Public Prosecutor, this Court is inclined **to allow the petition** as per the following conditions:-

1)The petitioner shall appear before the learned II Additional District & Sessions Judge (Special Court for PCR Cases), Tirunelveli 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 petitioner 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.

5. Accordingly, this Criminal Original Petition is allowed.
Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021
Sub Assistant Registrar(CS)

vrn

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 II Additional District & Sessions Judge
(Special Court for PCR Cases), Tirunelveli

2.The Deputy Superintendent of Police,
Valliyoore District,
Tirunelveli District.



3.The Inspector of Police,
Thisayanvilai Police Station,
Tirunelveli District

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

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SE (CO)
KB(30.07.2021) 3P 5C