



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23/07/2021

CORAM:

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

Crl.O.P. (MD)No.9831 of 2021

1.S.Mohan Raj

2.M.Subin

3.M.Sujin

... Petitioners/Accused 1 to 3

Vs.

1.The Deputy Superintendent of Police,
Colachel,
Kanyakumari District.

2.The Inspector of Police,
Manavalakurichy Police Station,
Kanyakumari District.
(Crime No.112 of 2021)

..Respondents 1 & 2 Complainant

3.Saroja

... 3rd Respondent/Defacto Complainant

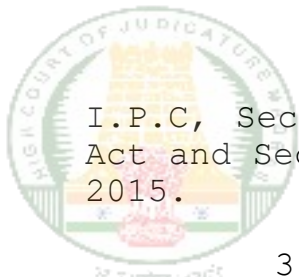
PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the learned II Additional District Judge, Special Court for SC and ST Cases, Tirunelveli for considering the bail application of the petitioners/accused 1 to 3 in Crime No.112 of 2021, on the file of the Manavalakurichy Police Station on the date of surrender.

For Petitioners : Mr.J.John Jeyakumar
For R-1 and R-2 : Mr.R.M.Anbunithi
Additional Public Prosecutor

O R D E R

This petition has been filed to direct the learned II Additional District Judge, Special Court for SC and ST Cases, Tirunelveli, to dispose the bail application filed by the petitioners on merits on the same day of their surrender before the above mentioned Court in pending investigation of Crime No.112 of 2021, on the file of the second respondent.

2. The petitioners are the accused Nos.1 to 3 in Crime No.112 of 2021, on the file of the second respondent for the offences punishable under Sections 341, 294(b), 323, 324, 506(ii) of



I.P.C, Section 4 of the Tamil Nadu Prohibition of Women Harassment Act and Sections 3(i)(r)(s) and V(a) of SC/ST (POA) Amendment Act 2015.

3. Mr.R.M.Anbunithi, learned Additional Public Prosecutor accepts notice for the respondents 1 and 2. He submits that the first petitioner is involved in one previous case in Crime No.221 of 2006, on the file of the Eraniel Police Station. Insofar as the other petitioners are concerned, no previous case is pending.

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 for the first petitioner alone**, as per the following conditions:-

1)The first petitioner shall appear before the learned learned II Additional District Judge, Special Court for SC and ST 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 first petitioner and pass orders on merits on the same day of his surrender, after hearing the defacto complainant by complying with Section 15 (5) of the Act.

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

Sd/-

Assistant Registrar (CS-II)

// 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 Judge,
Special Court for SC and ST Cases, Tirunelveli

2.The Deputy Superintendent of Police,
Colachel,
Kanyakumari District.

3.The Inspector of Police,
Manavalakurichy Police Station,
Kanyakumari District.

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

+1 CC to M/s.J. JOHN JEYAKUMAR, Advocate (SR-23599[F] dated
23/07/2021)

Crl.O.P. (MD)No.9831 of 2021
23.07.2021

CM(CO)

LR (30.07.2021) 3P 6C