



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.08.2021

CORAM :

THE HONOURABLE Mr. JUSTICE G.ILANGOVAN

Crl.O.P. (MD)No.9945 of 2021

Dhanabalu

... Petitioner/Sole Accused

Vs.

1.The Deputy Superintendent of Police,  
Lalgudi Sub Division,  
Trichy District.

2.The Inspector of Police,  
Kollidam Police Station,  
Trichy District.

(Crime No.296 of 2021) ... Respondents 1 & 2/Complainants

3.VPT.Shobana ... 3<sup>rd</sup> Respondent/Defacto Complainant/  
Victim

**Prayer :** Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the learned I Additional District Judge cum P.C.R Court, Trichy, to accept the surrender of the petitioner and consider the bail application on the same day in connection with Crime No.296 of 2021 on the file of the 2<sup>nd</sup> Respondent Police.

For Petitioner : Mr.B.Jameel Arasu

For Respondents 1 & 2 : Mr.R.Anandharaj

Additional Public Prosecutor

For R3

: Mr.Jeyasekar

**ORDER**

The petitioner is the sole accused in Crime No.296 of 2021 of Kollidam Police Station, Trichy District, for the offences alleged against the accused are under Sections 294 (b), 380 (NP), 506 (i) of IPC r/w 3(1)(m), 3(1) (r) , 3(1) (s) SC/ST (Prevention of Atrocities) Act, 1989.

2.The present petition is filed by the petitioner is to direct the learned I Additional District Judge cum P.C.R Court, Trichy, to accept the surrender of the petitioner and also to consider the bail application on the same day.

3.The case of the prosecution is that the defacto complainant is the President in Pichandar Kovil Panchayat Union, Manachanallur, Trichy District, and the petitioner is the 8<sup>th</sup> ward member of same Panchayat. On, 06.07.2021, at about 11.00 a.m, due to election dispute, the petitioner went to the Panchayat Office and given life threat to the defacto complainant and abused her by calling her



caste name loudly. Further, he took money, which was paid by the tax payers, from the Panchayat Office.

4. The learned counsel for the petitioner would submit that because of the political rivalry between the defacto complainant and the petitioner, this complaint has been given.

5. The learned counsel appearing for the third respondent would submit that there is continuous trouble is made by the petitioner with regard to the smooth functioning of Panchayat. As per the First Information Report, he has taken away or stolen a sum of Rs.93,300/-, which was kept in the Panchayat Office and the same to be paid to the Government as Tax and other Office Records have also been stolen. So, he prayed this Court, no direction shall be issued.

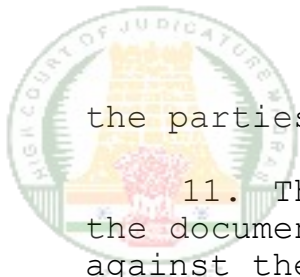
6. The learned counsel for the petitioner would submit that the merits of the case can not be gone into in this petition. That can be considered only by the Trial Court at the time of considering the bail application.

7. Elaborate argument has been submitted by the defacto complainant as well as the petitioner with regard to the sustainability of petition before this Court, on the ground that there is a continuous trouble is made by the petitioner in smooth functioning of the Panchayat as noted above.

8. The third respondent is the Panchayat President and the petitioner is the Ward Member of the Panchayat.

9. It is also submitted on the side of the prosecution that the petitioner was already involved in another case in Crime No.204 of 2020 on the file of the first respondent police for the offences punishable under Sections 294 (b) & 323 of IPC. He would further submit that the amount as well as the Office Records alleged to have been stolen have not been recovered so far. So, considering the antecedents of the petitioner that he has already involved in assault case, he is not entitled for privilege of such a direction.

10. On earlier occasion, the learned counsel for the petitioner has submitted that it is a counter case and so, the second respondent was directed to produce the documents and the same was also produced. It is seen that the First Information Report is pending against the petitioner in the above said crime number. Seeking quashment of the same, he has filed Crl.OP(MD)No.8312 of 2021 and notice was ordered to the defacto complainant. A counter case has also been given by the petitioner, which was also registered in Crime No.205 of 2020 for the offences punishable under Sections 324 & 506 (2) IPC. So, reading of the second First Information Report shows that there is a continuous trouble between



the parties with regard to the smooth functioning of Panchayat.

11. The learned counsel for the petitioner has also produced the documents shown in the complaint given by the petitioner herein, against the functioning attitude of the defacto complainant herein.

12. This Court cannot go into the merits of the case. Whether a direction can be given or issued is a simple point, which is involved in this matter. So, considering the back ground of the complaint as well as the continues enmity between the petitioner and the second respondent herein, I am of the considered view that a direction may be issued to consider the bail application of the petitioner on the date of surrender itself.

13. The Trial Court may also take into account the alleged taking away of public money of Rs.93,300/- as well as the Official Documents at the time considering the bail application of the petitioner.

14. This Court is inclined to pass the following orders :-

1) The petitioner should appear before the learned I Additional district Judge cum P.C.R Court, Trichy, 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.

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

Sd/-

Assistant Registrar (A.D.II)

// 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.

<https://hcservices.ecourts.gov.in/hcservices/>



To

1.The I Additional district Judge cum P.C.R Court,  
Trichy.

2.The Deputy Superintendent of Police,  
Lalgudi Sub Division,  
Trichy District.

3.The Inspector of Police,  
Kollidam Police Station,  
Trichy District.

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

+1 CC to M/s.J.SANJEYVIGNESH, Advocate ( SR-25675[F] dated  
09/08/2021 )

**Crl.O.P. (MD)No.9945 of 2021**  
**05.08.2021**

RD(12.08.2021) 4P 6C