



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 18.08.2021

CORAM:

THE HON'BLE MR JUSTICE G.ILANGO VAN

Crl.O.P. (MD)No.9948 of 2021

N.Arun Kumar

... Petitioner/Accused No.2

Vs.

1.The Deputy Superintendent of Poice,
Maniyachi Sub Division,
Maniyachi, Tuticorin District.

2.The Inspector of Police,
Pasuvanthanai Police Station,
Tuticorin District.

... Respondents 1 & 2/Complainants

3.M.Pon Mariappan

... 3rd Respondent/Defacto
Complainant

Prayer:Criminal Original Petition is filed under Section 482 Cr.P.C., to direct the Additional Sessions Judge, Special Court for Trial of Cases Under SC/ST (POA) Act, Thoothukudi, to consider the petitioner's bail application on the date of his surrender in respect of crime No.123 of 2021, dated 16.07.2021, on the file of the 2nd respondent police and grant the bail on the same day.

For Petitioner : Mr.M.Suresh

For R1 & R2 : Mr.R.M.Anbunithi,
Additional Public Prosecutor

ORDER

The petitioner is the second accused in Crime No.123 of 2021 of Pasuvanthanai Police Station, Tuticorin District, and the offences alleged against the accused are under Sections 294(b), 342, 323 and 506 (ii) of IPC and Sections 3(1) (r), 3(1) (s) & 3 (2) (va) of SC/ST (Prevention of Atrocities) Act, 1989.

2.The present petition filed by the petitioner is to direct the learned Additional Sessions Judge, Special Court for Trial of Cases Under SC/ST (POA) Act, Thoothukudi, to accept the surrender of the petitioner and also to consider the bail application on the same day.

3. Mr.R.M.Anbunithi, learned Additional Public Prosecutor accepts notice for the respondents 1 and 2. The third respondent is the de-facto complainant.



4.The learned Additional Public Prosecutor would submit that the injured was discharged from the hospital and no previous case has been pending against the petitioner.

5.Since the injured was discharged from the hospital and no previous case has been pending against the petitioner, this Court is inclined to pass the following orders :-

1) The petitioner should appear before the learned Additional Sessions Judge, Special Court for Trial of Cases Under SC/ST (POA) Act, Thoothukudi, 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.

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

Sd/-

Assistant Registrar (W)

// 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 Additional Sessions Judge,
Special Court for Trial of Cases Under SC/ ST (POA) Act,
Thoothukudi.

2.Deputy Superintendent of Poice,
Maniyachi Sub Division,
Maniyachi,
Tuticorin District.

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



3.The Inspector of Police,
Pasuvanthanai Police Station,
Tuticorin District.

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

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RK (16.09.2021) 3P 5C