



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.08.2021

CORAM:

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

Crl.O.P. (MD)No.10375 of 2021

WEB COPY

1.V.Durai
2.D.Rajkumar
3.P.Anand ... Petitioners/Accused
2,3 & 5

Vs.

1.The Deputy Superintendent of Police,
Thanjavur Sub Division,
Thanjavur District.
2.The Inspector of Police,
Thanjavur Taluk Police Station,
Thanjavur District.
(Crime No.949 of 2021) ... Respondents 1& 2/
Complainant
3.Ajithkumar ... 3rd Respondent/ Defacto
Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the learned I Additional District & Sessions Judge (PCR), Thanjavur to consider the petitioners' bail applications on the same day of their surrender in connection with Crime No.949 of 2021, on the file of the Thanjavur Taluk Police Station, Thanjavur District.

For Petitioners : Mr.P.Mani Anandh
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 I Additional District & Sessions Judge (PCR), Thanjavur to consider the petitioners' bail applications on the same day of their surrender in connection with Crime No.949 of 2021, on the file of the Thanjavur Taluk Police Station, Thanjavur District.

2. The petitioners are the accused Nos.2,3 & 5 in Crime No.949 of 2021, on the file of the second respondent for the offences punishable under Sections 147, 148, 294(b), 324 & 506(ii) I.P.C r/w under Sections 3(1)(r) & 3(1)(s) & 3(2)(va) of SC/ST (POA) Amendment Act 2015.



3. Mr.R.M.Anbunithi, learned Additional Public Prosecutor who accepts notice for the respondents 1 and 2 submits that the first petitioner is involving in Crime No.178 of 2021 for the alleged offence under Section 21 of the Mines and Minerals (Development and Regulation) Act and the third petitioner is also involving in such previous case. As far as the second petitioner is concerned, he is having one previous case for the alleged offence under Sections 269 & 188 IPC.

4.The learned counsel for the petitioners seeks permission of this Court to not press the petition as far as the petitioners 1 & 3 are concerned.

5. Considering the facts and circumstances of the case and also taking into consideration the submissions made by either side, this Court is inclined **to allow the petition for the second petitioner alone** as per the following conditions:-

1)The second petitioner shall appear before the learned I Additional District & Sessions Judge (PCR), Thanjavur 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 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.

6. Accordingly, this Criminal Original Petition is allowed as far as the second petitioner is concerned. In respect of the first and third petitioners, this Criminal Original Petition is dismissed as not pressed.

Sd/-

Assistant Registrar (Records)

// 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.

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



To

1.The I Additional District & Sessions Judge (PCR), Thanjavur

2.The Deputy Superintendent of Police,
Thanjavur Sub Division,
Thanjavur District.

3.The Inspector of Police,
Thanjavur Taluk Police Station,
Thanjavur District.

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

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RK (04.08.2021) 3P 5C