



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :27.08.2021

CORAM:

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

Crl.O.P.(MD)No.12365 of 2021

WEB COPY

1.V.Durai

2.P.Anand

... Petitioners/Accused No.2&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.949/2021)

...Respondent 1&2/Complainant

3.Ajithkumar

...3rd Respondent/Defacto Complainant

4.Gurumoorthy

...4th Respondent/Victim

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

For Petitioners : Mr.P.Mani Anandh

For R1 and R2 : Mr.R.M.Anbunithi

Additional Public Prosecutor

ORDER

This petition has been filed seeking direction to direct the learned first Additional District & Sessions Judge (PCR), Thanjavur to consider the petitioners bail application on the same day of their surrender in Crime No.949 of 2021 on the file of the Inspector of Police, Thanjavur Taluk Police Station, Thanjavur District.

2.The petitioners are the accused 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) of IPC, r/w 3(1)(r), 3(1)(s) and 3(2)(va) of the Schedule Castes and Schedule Tribes (Prevention of Atrocities) Amendment Act, 2015.



3.The learned counsel for the petitioners would submit that this is the second application for direction. Earlier the petitioners along with one D.Rajkumar has filed a Crl.O.P(MD). No.10375 of 2021, dated 02.08.2021 the said petition was allowed in so as the above said D.Rajkumar/2nd petitioner therein and in respect of the petitioners, the same was dismissed as not pressed.

4. Mr.R.M.Anbunithi, learned Additional Public Prosecutor who accepts notice for the respondents 1 and 2 would submit that 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. He would further submit that no previous case is pending against the second petitioner.

5. Considering the facts and circumstances of the case and also the previous antecedents of the first petitioner, this Court is not inclined to allow this petition. Accordingly, this petition is dismissed insofar as the first petitioner is concerned.

6.Insofar as the second petitioners is concerned, since no criminal case is pending against him, this Court is inclined to pass the following orders as against the second petitioner alone:-

1)The second petitioner shall appear before the first 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.

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

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tta

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 learned first 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.

Crl.O.P. (MD)No.12365 of 2021

27.08.2021

RD(3.09.2021) 3P 5C