



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

Crl.O.P.(MD)No.12789 of 2021

WEB COPY

1.Thavamani @ Thavam

2.Barathi ... Petitioners / Accused No.1 & 2

vs.

1.The Deputy Superintendent of Police,
O/o.The Deputy Superintendent of Police,
Andipatti,
Theni District.

2.The State,
rep.by Inspector of Police,
Mayiladumparai Police Station,
Theni District.
Crime No.151 of 2021.

... Respondents / Complainant

3.Nataraj ... 3rd Respondent / Defacto
Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the learned PCR Court, Theni to dispose the bail application filed by the petitioners on merits on the same day of their surrender before the above mentioned concerned Court in pending investigation of Crime No.151 of 2021 on the file of the second respondent Police.

For Petitioner : Mr.S.P.Naveen Kumar

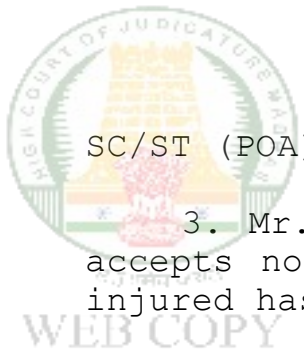
For R-1 and R-2 : Mr.R.M.Anbunithi

Additional Public Prosecutor

O R D E R

This petition has been filed to direct the learned PCR Court, Theni to dispose the bail application filed by the petitioners on merits on the same day of their surrender before the above mentioned concerned Court in pending investigation of Crime No.151 of 2021 on the file of the second respondent Police.

2. The petitioners are the accused in Crime No.151 of 2021, on the file of the second respondent for the offences punishable under Sections 294(b), 324 of IPC r/w 3(1)(r)(s), 3(2)(v-a) of



SC/ST (POA) Act, 1989 and Section 4 of TNPHW Act.

3. Mr.R.M.Anbunithi, learned Additional Public Prosecutor who accepts notice for the respondents 1 and 2 would submit that the injured has been discharged from the Hospital.

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** as per the following conditions:-

1)The petitioner shall appear before the learned PCR Court, Theni, 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 petitioner and pass orders on merits on the same day of their surrender, after hearing the defacto complainant by complying with Section 15 (5) of the Act.

5. Accordingly, this Criminal Original Petition is allowed.

Sd/-

Assistant Registrar (CS I)

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/ /2021

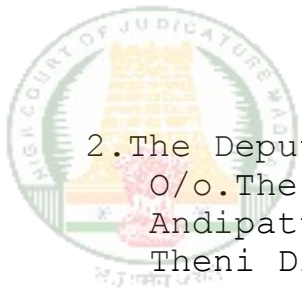
Sub Assistant Registrar(CS)

ssb

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 PCR Court, Theni.



2.The Deputy Superintendent of Police,
O/o.The Deputy Superintendent of Police,
Andipatti,
Theni District.

3.The Inspector of Police,
Mayiladumparai Police Station,
Theni District.

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

Crl.O.P. (MD)No.12789 of 2021
03.09.2021

SRR(CO)
SB(14.09.2021) 3P 5C