



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **07.09.2021**

CORAM:

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

Crl.O.P. (MD) No.13038 of 2021

M.Sudhakar

... Petitioner/Accused

Vs.

1.The Deputy Superintendent of police
Uthamapalayam Circle,
Theni District.

2.The Inspector of Police,
AWPS Police Station,
Uthamapalyam
Theni District.

...Respondents /Complainant

3.Murugeswari.

...Respondent / Defacto Complainant

PRAYER: Criminal Original Petition is filed to direct the Special Court (SC/ST Cases), Theni to consider the bail application on his surrender on the same day, if any petition filed by the petitioner in Crime No.11/2021 on the file of 2nd respondent.

For Petitioner : Mr.N.Kamesh

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

Additional Public Prosecutor (Crl.side)

ORDER

This petition is filed seeking direction to the Special Court (SC/ST Cases), Theni to accept the surrender of the petitioner and consider the bail application on the date of his surrender in connection with Crime No.11 of 2021 on the file of the 2nd respondent police.

2.The offence involved in this case is under Sections 147, 394 (b), 323, 376, 417 and 506(2) of IPC r/w Section 3 (2) (v) SC/ST (POA) Act, 1989.

3.The learned counsel appearing for the petitioner would submit that even as per the allegation made in the FIR, no offence attracting Section 376 of IPC is made out against this petitioner and now, the victim married some other person and they are living together.

4.However, whatever may be the merits of the case, the learned Additional Public Prosecutor (Crl.side) appearing for the respondents 1 and 2 would submit that for recording the 164



statement of the victim, a request has been made on 04.09.2021 and the same is pending before the Special Court.

5.Considering the nature of allegation that has been made against this petitioner, no such direction can be given. I find no merits in this petition.

6.This petition is dismissed, accordingly.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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 Special Court for SC/ST Cases, Theni
- 2.The Deputy Superintendent of police
Uthamapalayam Circle,
Theni District.
- 3.The Inspector of Police,
AWPS Police Station,
Uthamapalyam
Theni District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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RD(20.09.2021) 2P 5C