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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 03.12.2021
CORAM:
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
Crl.O.P(MD)No.13772 of 2021

V.Durai ... Petitioner/Accused No.2

Vs

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

2.The Inspector of Police,
Thanjavur Taluk Police Station,
Thanjavur District. ... Respondent Nos.1&2/Complainant

3.Ajith Kumar ... Respondent No.3/Defacto Complainant

4.Gurumoorthy ... Respondent No.4/Victim

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to direct the first Additional District and Sessions Judge (PCR) Court, Thanjavur to accept the petitioner's surrender in connection with Crime No.949 of 2021 on the file of the second respondent and consider his bail application on the same day in accordance with law.

For Petitioner : Mr.C.Senthil Murugan
For R1 & R2 : Mr.M.Veeranthiran
Government Advocate

ORDER

Heard the learned counsel for the petitioner and the learned Government Advocate for the respondents 1 and 2.

2.Considering the nature of relief to be granted, notice to the defacto complainant is dispensed with.

3.The petitioner is figuring as the second accused in Crime No.949 of 2021 registered on the file of the second respondent for the offences under Sections 147, 148, 294(b), 324, 506(2) of IPC r/w Sections 3(1)(r), 3(1)(s) & 3(2)(va) of SC/ST Amendment Act, 2015.

4.The learned Government Advocate pointed out that the petitioner's earlier petitions had suffered dismissals in view of the petitioner's bad antecedents. The petitioner's counsel states that it was omitted to be submitted that the earlier case was only

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under Section 379 of IPC and that it is still pending and that no finding of guilt has been arrived at.

5.After going through the contents of the FIR, I am of the view that it is a case fit for grant of relief under Section 482 of Cr.P.C., The petitioner undertakes to surrender before the jurisdictional Court on 17.12.2021. The petitioner's surrender shall be accepted by the jurisdictional Court and his petition for bail shall be disposed of on the same day. The petitioner's counsel gives an undertaking that the defacto complainant will be notified about the proposed surrender of the petitioner on 17.12.2021. Such an intimation will be sent through registered post by tomorrow itself. The respondents 1 and 2 are also directed to give notice of hearing to the respondents 3 & 4.

6.This Criminal Original Petition is disposed of with the following directions:-

(1)the petitioner shall surrender before the jurisdictional Court on 17.12.2021.

(2)the jurisdictional Court shall accept the surrender and dispose of the petitioner's bail petition on the same day of surrender on merits and in accordance with law.

Sd/-

Assistant Registrar (A.D II)

// 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 First Additional District and Sessions Judge (PCR) Court,
Thanjavur.

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

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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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RS (07.12.2021) 3P 5C

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