



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **23.09.2021**

CORAM:

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

Crl.O.P. (MD)No.14106 of 2021

Kavitha

.. Petitioner/Accused No.4

Vs.

- 1.The State,
By the Deputy Superintendent of Police,
Vedasandur Division
Dindigul District. ..1st Respondent/Investigating Officer
- 2.The Inspector of Police,
Vedasandur Police Station,
Dindigul District. .. 2nd Respondent/Complainant
- 3.Sumathi .. 3rd Respondent/Defacto Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the Additional District and Sessions Judge (Special Court for PCR Cases), Dindigul to consider her bail application on the same day of her surrender in respect of Crime No.141 of 2021 on the file of the second respondent, pending investigation.

For Petitioner	: Mr.D.Venkatesh
For R-1 and R-2	: Mr.K.Sanjai Gandhi
	Government Advocate (Crl.side)

ORDER

This petition has been filed to direct the learned Additional District and Sessions Judge (Special Court for PCR Cases), Dindigul, to accept the surrender of the petitioner and consider the bail application on the date of surrender in connection with Crime No.141 of 2021 on the file of the second respondent Police.

2. The petitioner is the accused No.4 in Crime No.141of 2021 on the file of the second respondent for the offences punishable under Sections 147, 294(b), 363, 506(i) of IPC and Section 3, 3(1)(r), 3(1)(s) of SC/ST (POA) Act, 2015.

3. Mr.K.Sanjay Gandhi, learned Government Advocate(Crl.side) accepts notice for the respondents 1 and 2.

4. Earlier petition filed by the petitioner came to be dismissed on the ground that the petitioner seems to have involved in continuous offences of similar nature and after dismissal of the above petition, this petition came to be filed on the ground that in the same village in which the petitioner is residing a number of



false complaints have been lodged against her and in earlier case, she has been arrested and remanded to judicial custody and after about 23 days she was released from the jail on bail in Crime No.24 of 2021.

5. When the matter was taken up for hearing, this Court asked as to why the petitioner engaged in such sort of continuous offences in the Village. The learned counsel for the petitioner would submit that because of money lending dispute, series of cases have been registered against the petitioner and she has been arrested and remanded to jail for more than 23 days and the said complaint was given by borrower. The petitioner may not be ordered to undergo judicial custody in respect of this case also.

6. As I mentioned earlier, it is seen that a number of complaints are registered against the petitioner in the same police station on the basis of the complaint given by the villagers. It appears that there is continuous money lending dispute between the petitioner and the borrowers. So I am of the considered view that in the facts and circumstances of the case, the petitioner is entitled for a direction.

7. Considering the facts and circumstances of the case, this Court is inclined to pass the following orders :-

1)The petitioner shall appear before the learned Additional District and Sessions Judge (Special Court for PCR Cases), Dindigul, 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 her surrender, after hearing the defacto complainant by complying with Section 15(5) of the Act.

8. With the above observation, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

CM



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.

WEB COPY

To

- 1.The Additional District and Sessions Judge (Special Court for PCR Cases), Dindigul
- 2.The Deputy Superintendent of Police,
Vedasandur Division
Dindigul District.
- 3.The Inspector of Police,
Paramakudi Town Police Station,
Vedasandur Police Station
Dindigul District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P. (MD)No.14106 of 2021
23.09.2021

KB(28.10.2021) 3P 5C