



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.10.2021

CORAM:

THE HON'BLE MR JUSTICE G.ILANGOVAN

Crl.OP(MD)No.14652 of 2021

1.N.Packirisamy
2.P.Sathiyarayanan
3.P.Ayyappan
4.V.Rajasekar
5.V.Veeramani

... Petitioners/Accused No.1 to 5

vs.

1.The Deputy Superintendent of Police,
DSP Office, Papanasam,
Thanjavur District.

2.The Inspector of Police,
Ammapettai Police Station,
Thanjavur District.
(Crime No.891 of 2021)

3.P.Ramesh

... Respondents/Complainants

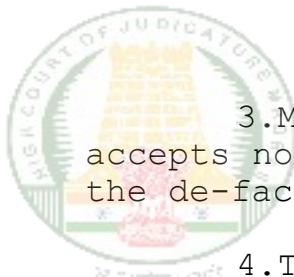
PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the learned 1st Additional District and Sessions Judge Cum (PCR Court), Thanjavur to accept the surrender of the petitioners and to consider the petitioners bail petition on the same day in accordance with law of their surrender in connection with Crime No.891 of 2021 on the file of the Inspector of Police, Ammapettai Police Station, Thanjavur District.

For Petitioner	: Mr.A.Senthilkumar
For R1 & R2	: Mr.K.Sanjai Gandhi
	Government Advocate (Crl.side)

O R D E R

The petitioners are arrayed as accused in Crime No.891 of 2021 on the file of the Ammapettai Police Station, Thanjavur District, and the offences alleged against the accused are under Sections 147, 148, 294(b), 341, 324, 307 of IPC r/w Sections 3(1)(r), 3(1)(s) and 3(2)(v) of SC & ST (POA) Act, 1989.

2.The present petition is filed by the petitioners to direct the learned 1st Additional District and Sessions Judge Cum (PCR Court), Thanjavur, to accept the surrender of the petitioners and also to consider the bail application on the same day.



3.Mr.K.Sanjai Gandhi, learned Government Advocate (Crl.Side) accepts notice for the respondents 1 and 2. The third respondent is the de-facto complainant.

4.The learned Government Advocate (Crl.Side) would submit that the first petitioner is involved in 5 previous cases and most of the cases are illegal mining offences and the petitioners 2 to 5 are concerned, they are not having, any previous cases.

5.Considering the antecedents of the first petitioner, discretionary relief of direction cannot be granted to him. So, this petition is dismissed insofar as the first petitioner is concerned.

6.Since the petitioners 2 to 5 are not having any previous cases and the prayer itself is to accept the surrender of the petitioners 2 to 5 and consider the bail application, this Court is inclined to pass the following orders insofar as the petitioners 2 to 5 are concerned :-

1)The petitioners 2 to 5 should appear before the learned 1st Additional District and Sessions Judge Cum (PCR Court), Thanjavur, within a period of 15 days from the date of receipt of a copy of this order / uploading of the order.

2)On such surrender, concerned Sessions Judge, may consider the bail application filed by the petitioners 2 to 5 on merits on the same day of surrender, after giving notice to the concerned Public Prosecutor and by complying Section 15(5) of the Act.

7.With the above observation, this Criminal Original Petition is partly allowed.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

dss

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.

<https://hcservices.ecourts.gov.in/hcservices/>



To

1.The 1st Additional District and Sessions Judge Cum (PCR Court),
Thanjavur.

2.The Deputy Superintendent of Police,
DSP Office,
Papanasam,
Thanjavur District.

3.The Inspector of Police,
Ammapettai Police Station,
Thanjavur District.

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

+1 CC to M/s.A.SENTHIL KUMAR, Advocate (SR-31803[F] dated
08/10/2021)

Crl.OP(MD)No.14652 of 2021
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NSN(CO)/RS (18.10.2021) 3P 6C