



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **07.10.2021**

CORAM:

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

CrI.O.P. (MD)No.15344 of 2021

WEB COPY

Subramani ... Petitioner/Accused

Vs.

1.The Deputy Superintendent of Police,
Cheranmahadevi,
Tirunelveli District.

2.The Inspector of Police,
Munneerpallam Police Station,
Tirunelveli District.

(Crime No.408 of 2021) ... Respondents 1 & 2/Complainant

3.Sangilimuthu ... 3rd Respondent/Defacto Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the learned II-Additional Sessions Judge (Special Court for PCR Cases), Tirunelveli to consider the petitioner's bail application to be filed by the petitioner on the same on his surrender in connection with Crime No.408 of 2021 on the file of the second respondent police.

For Petitioner : Mr.T.Lenin Kumar

For R-1 and R-2 : Mr.RMS.Sethuraman

Additional Public Prosecutor

O R D E R

This petition has been filed to direct the learned II-Additional Sessions Judge (PCR) Court, Tirunelveli, to accept the surrender of the petitioner and consider the bail application on the date of surrender in connection with Crime No.408 of 2021 on the file of the second respondent Police.

2. The petitioner is the accused in Crime No.408 of 2021 on the file of the second respondent for the offences punishable under Section 302 of I.P.C. and Section 3(2)(v) of SC/ST (POA) Act, 2015.

3. The learned counsel for the petitioner submits that only based upon the confession statement of the co-accused, the petitioner has been arrayed as accused for the offence under Section 302 IPC and the petitioner has no way connected with the crime.



4. Mr.RMS.Sethuraman, learned Additional Public Prosecutor accepts notice for the respondents 1 and 2. He submits that the petitioner is facing charge for the offence under Section 302 IPC also.

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5. Considering the fact that the petitioner is facing serious charge under Section 302 IPC, discretionary relief of directing the trial court to consider the bail application on the date of surrender of the petitioner is not at all proper and it is a clear abuse of court and law. Accordingly, this Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar (A.D.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.

To

- 1.The II Additional Sessions Judge (Special Court for PCR Cases),
Tirunelveli
- 2.The Deputy Superintendent of Police,
Cheranmahadevi,
Tirunelveli District.
- 3.The Inspector of Police,
Munneerpallam Police Station,
Tirunelveli District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Crl.O.P.(MD)No.15344 of 2021

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