



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.10.2021

CORAM:

THE HONOURABLE MR.JUSTICE **G. ILANGO VAN**
Crl.O.P.(MD)No.15646 of 2021

WEB COPY

1.Aruna
2.Nagajothi

... Petitioners/Accused
Nos.1 & 2

Vs.

1.The Deputy Superintendent of Police,
Melur,
Madurai District.

2.The Inspector of Police,
Melur Police Station,
Madurai District,
(Crime No.441 of 2021)

...Respondents/
Complainants

3.Selvakumari

...3rd Respondent / Defacto
Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the I Additional District and Sessions Judge (Special Court for SC/ST (POA) Act Cases, Madurai to consider the petitioners bail application on the same date of their surrender in Crime No.441 of 2021, pending on the file of the second respondent.

For Petitioner : Mr.M.Balakrishnan
For R-1 and R-2 : Mr.RM.Ambunithi
Additional Public Prosecutor

O R D E R

This petition has been filed to direct the I Additional District and Sessions Judge (Special Court for SC/ST (POA) Act Cases, Madurai to consider the petitioners bail application on the same date of their surrender in Crime No.441 of 2021, pending on the file of the second respondent.

2. The petitioners are the accused in Crime No.441 of 2021, on the file of the second respondent for the offences punishable under Sections 147, 341, 294(b), 323, 506(1) IPC and Section 4 of TN Prohibition of Harassment of Women Act, 2002.

3. On 08.10.2021, when the matter was taken up for hearing, <https://hcmv.judiciary.gov.in/cases>, learned Additional Public Prosecutor, who took



notice for the respondents 1 and 2 had requested time to get instructions. Accordingly, the matter was ordered to be listed today.

4.Today (28.09.2021), the learned Additional Public Prosecutor would submit that no previous case is pending against the petitioner and it was a wordy quarrel between the parties.

5. Considering the facts and circumstances of the case and also taking into consideration the submission of the learned Additional Public Prosecutor, this Court is inclined **to allow the petition** as per the following conditions:-

1)The petitioners shall appear before the learned I Additional District and Sessions Judge (Special Court for SC/ST (POA) Act Cases, Madurai, 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 petitioners and pass orders on merits on the same day of his surrender, after hearing the defacto complainant by complying with Section 15(5) of the Act.

6. Accordingly, this Criminal Original Petition is allowed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vrn

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 I Additional District and Sessions Judge (Special Court for SC/ST

(POA) Act Cases, Madurai



2.The Deputy Superintendent of Police,
Melur,
Madurai District.

3.The Inspector of Police,
Melur Police Station,
Madurai District,

Copy to

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

+1 CC to M/s.M.BALAKRISHNAN, Advocate (SR-33256[F] dated 29/10/2021

CrI.O.P. (MD)No.15646 of 2021
28.10.2021

SRK(CO)
KB(11.11.2021) 3P 6C