



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.10.2021

CORAM:

THE HONOURABLE MR.JUSTICE **G. ILANGO VAN**
Cr1.O.P. (MD) No.16107 of 2021

WEB COPY

1.Karunanithi

2.Shanmugam

3.Seetharaman

4.Alavanthar @ Arul

5.Ramadoss

6.Rajasekaran

7.Veeramaruthu ...Petitioners/Accused 1,3,9,10,11,12 & 21

8.Aalayamani

9.Packirisamy ...Petitioners/Accused Number not known

Vs.

1.The State Rep. by
The Deputy Superintendent of Police,
Thanjavur, Thiruvudimaruthur,
Thanjavur District. ... 1st Respondent

2.The State Rep. by
The Sub-Inspector of Police,
Pandhanallur Police Station,
Thanjavur District.
(Crime No.903/2021) ...2nd Respondent/Complainant

3.K.Rasathi ...3rd Respondent/Defacto
Complainant



PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the 1st Additional District and Sessions Judge, Thanjavur (Prevention of Civil Rights Court), to consider and pass orders on the bail application along with surrender of the petitioners in Crime No.903/2021 pending on the file of 2nd respondent police, on the same day.

For Petitioners : Mr.R.Surya Prakash
For R1 & R2 : Mr.RMS.Sethuraman
Additional Public Prosecutor

ORDER

This petition is filed seeking direction to the learned 1st Additional District and Sessions Judge, Thanjavur (Prevention of Civil Rights Court), to accept the surrender of the petitioners and consider the bail application on the date of their surrender in connection with Crime No.903 of 2021 on the file of the 2nd respondent police.

2.When the matter is taken up for hearing, the learned Additional Public Prosecutor appearing for the respondents 1 and 2 would submit that the 8th petitioner is having four previous cases, among which more than one cases are similar in nature ie., i) Crime No.100 of 2013 for the offences punishable under Sections 294(b) and 341 of IPC and Section 3 (1) of TNPPDL Act, ii) Crime No.125 of 2018 for the offences punishable under Sections 143 and 186 of IPC, iii) Crime No.398 of 2014 for the offences punishable under Section 151 of Cr.P.C. and iv) Crime No.171 of 2013 for the offences punishable under Section 151 of Cr.P.C. r/w Section 7 (1) (a) of Criminal Law Amendment Act. He would further submit that insofar as the other petitioners are concerned, no previous case is pending against them.

3.In view of the submission made by the learned Additional Public Prosecutor and considering the antecedents of the 8th petitioner, this Court is not inclined to exercise the discretionary power in favour of him, which he does not deserve. Insofar as the other petitioners are concerned, this petition is liable to be allowed and accordingly, it stands allowed with the following directions:-

1)The petitioners 1 to 7 and 9 herein shall appear before the learned 1st Additional District and Sessions Judge, Thanjavur (Prevention of Civil Rights Court), 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 defence to complainant, the concerned Judge



shall consider the bail application filed by the petitioners and pass orders on merits on the same day of their surrender, after hearing the defacto complainant by complying with Section 15(5) of the Act.

WEB COPY

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

mm

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 1st Additional District & Sessions Judge,
Thanjavur District.
- 2.The Deputy Superintendent of Police,
Thanjavur, Thiruvidimaruthur,
Thanjavur District.
- 3.The Sub-Inspector of Police,
Pandhanallur Police Station,
Thanjavur District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.R.SURYA PRAKASH, Advocate (SR-32667[F] dated 26/10/2021)

CrI.O.P. (MD)No.16107 of 2021
25.10.2021

MGJ/JC(08.11.2021) 3P 6C