



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.10.2021

CORAM :

THE HONOURABLE Mr. JUSTICE G.ILANGOVAN

Crl.O.P. (MD)No.16294 of 2021

1.Marimuthu

2.Chandran @ Ramachandran ... Petitioners / Accused Nos.1 & 2

Vs.

1.State represented by
The Deputy Superintendent of Police,
Aranthangi, Pudukottai District.

2.The Inspector of Police,
Aranthangi Police Station,
Pudukkottai District.
(Crime No.1080 of 2021) ... Respondents No.1 & 2 /Complainant

3.Premkumar ... 3rd Respondent/Defacto Complainant

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the learned Principal District and Sessions Judge (PCR Court), Pudukkottai, to consider the bail application of the petitioners on the same day of surrender in Crime No.1080 of 2021 on the file of the second respondent.

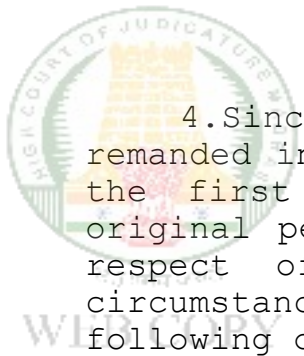
For Petitioners : Mr.M.Suresh
For R-1 & R-2 : Mr.RMS.Sethuraman
Additional Public Prosecutor

ORDER

This petition has been filed seeking direction to the learned Principal District and Sessions Judge (PCR Court), Pudukkottai, to consider the bail application of the petitioners on the same day of surrender in Crime No.1080 of 2021 on the file of the second respondent.

2.The petitioners are accused Nos.1 and 2 in Crime No.1080 of 2021 on the file of the 2nd respondent police for the offences punishable under Sections 294(b), 323, 324 and 506(ii) of IPC, r/w Section 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amended Act, 2015.

3.Mr.RMS.Sethuraman, learned Additional Public Prosecutor accepts notice for the respondents 1 and 2. He submitted that no previous case is pending against the petitioners and the injured person has been from the hospital. The first petitioner in this case has been arrested and remanded into judicial custody.



4.Since the first petitioner/accused No.1 has been arrested and remanded into judicial custody, the prayer sought for in respect of the first petitioner has become infructuous and this criminal original petition is dismissed as against the first petitioner. In respect of the second petitioner, considering the facts and circumstances of the case, this Court is inclined to pass the following orders :-

1)The second petitioner shall appear before the learned Principal District and Sessions Judge (PCR Court), Pudukkottai, 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 second petitioner 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.

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

Sd/-

Assistant Registrar (AD-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TM

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 Principal District and Sessions Judge (PCR Court),
Pudukkottai.
- 2.The Deputy Superintendent of Police,
Aranthangi, Pudukkottai District.
- 3.The Inspector of Police,
Aranthangi Police Station,
Pudukkottai District.



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

Crl.O.P. (MD) No.16294 of 2021
26.10.2021

TP (CO)
GC/PM(15.11.2021) 3P 5C