



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.12.2021

CORAM:

THE HONOURABLE MRS.JUSTICE S.ANANTHI

Crl.O.P. (MD) No.21130 of 2021

M.Mookkandi

: Petitioner/Sole Accused

Vs.

1.The Deputy Superintendent of Police,
Thoothukudi Town, Thoothukudi District.

2.The Sub Inspector of Police,
Thalamuthunagar Police Station,
Thoothukudi District.
Crime No.424 of 2021.

: 1 & 2 Respondents /
Complainants

3.M.Muthumani

: 3rd Respondent /
Defacto Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Cr.P.C, to direct the learned Special Judge, Special Court for Trial of Cases registered under SC/ST (POA) Act, 1989, Thoothukudi to accept the surrender of the petitioner and consider his bail application on the same day in Crime No.424 of 2021 pending on the file of the second respondent.

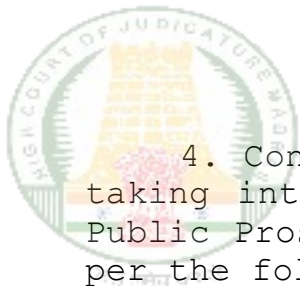
For Petitioner : Mr.Suyambulinga Bharathi,K.
For R-1 and R-2 : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor.

O R D E R

The Criminal Original Petition has been filed to direct the learned Special Judge, Special Court for Trial of Cases registered under SC/ST (POA) Act, 1989, Thoothukudi, to consider the petitioner's bail application on the date of his surrender in connection with the Crime No.424 of 2021 on the file of the second respondent.

2. The petitioner is the accused in Crime No.424 of 2021, on the file of the second respondent for the offences punishable under Sections 294(b), 323, 324, 506(ii) IPC and Sections 3(1)(r), 3(1)(s), 3(2)(va) SC/ST (Prevention of Atrocities Act) 1989.

3.Mr.E.Antony Sahaya Prabahar, learned Additional Public Prosecutor, who accepts notice for the respondents 1 and 2 would submit that no injury was sustained by any person.



4. 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 petitioner shall appear before the learned Special Judge, Special Court for Trial of Cases registered under SC/ST (POA) Act, 1989, Thoothukudi, 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 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. Accordingly, this Criminal Original Petition is allowed.

Sd/-

Vacation Officer/
Assistant Registrar (CO)

// True Copy //

/ /2021
Sub Assistant Registrar(CS)

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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 Special Judge, Special Court for SC/ST (POA) Act,
Thoothukudi.

2.The Deputy Superintendent of Police,
Thoothukudi Town, Thoothukudi District.

3.The Sub Inspector of Police,
Thalamuthunagar Police Station, Thoothukudi District.

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

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