



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2022

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.4982 of 2022

1.Varadaraj

2.Murali Babu

... Petitioners

Vs.

1. State by:

The Deputy Superintendent of Police,
Denkanikottai,
Krishnagiri District.

2. State by:

The Inspector of Police,
Thally Police Station,
Krishnagiri District.

... Respondents

PRAYER: The Criminal Original Petition is filed under Section 482 of Code of Criminal Procedure, to direct the learned Principal District and Sessions Judge, Krishnagiri to hear the second bail petition filed by the Petitioners under Section 439 of Cr.P.C.

For Petitioner : Mr.RM.Venkatesh

For Respondent : Mr.V.Meganathan
Government Advocate (Cr1. Side)

O R D E R

The Criminal Original Petition has been filed to direct the learned Principal District and Sessions Judge, Krishnagiri to hear the second bail petition filed by the Petitioners under Section 439 of Cr.P.C.

2.The case of the Petitioner is that originally the case was registered in Crime No.366 of 2021 for the offences under Sections 302 & 201 IPC against the unidentified person on the complaint of one Raja, later, the Respondents have altered the



Sections from 302 & 201 IPC to Sections 302 & 201 r/w. Section 3 (2) (v) of SC/ST Act. On the complaint, the Petitioners were arrested and remanded to judicial custody on 21.11.2021 and earlier the Petitioners have filed bail application before the learned Principal Sessions Judge, Krishnagiri in Crl. M.P.No.2465 of 2021 and the same was dismissed on 14.12.2021. Against which, Criminal Appeal No.716 of 2021 has been preferred before this Court and the same was dismissed on 29.12.2021. Now due to change of circumstances that the Respondent has completed the investigation and filed the final report, the Petitioner filed an Application for bail before the learned Principal District and Sessions Judge, Kirshnagiri and the same was returned on 24.02.2022, stating that when the higher forum dismissed the bail petition, the bail petition before the Court below is not maintainable.

3.Learned counsel for the Petitioner would submit that there is no bar for second bail application and the second bail application filed only due to change of circumstances, thereby seeks for a direction to the learned Principal District and Sessions Judge, Krishnagiri to take the second bail application and pass orders.

4.Learned Government Advocate would submit that the Respondent has completed the investigation and final report before the jurisdictional Court.

5.In view of the above said circumstances, learned Principal District and Sessions Judge, Krishnagiri is directed to number the second bail application submitted by the Petitioners under Section 439 of Cr.P.C. and pass orders on merits.

6. With the above direction, this Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

shk/sai

To

1. The learned Principal District and Sessions Judge,
Krishnagiri.



2. The Deputy Superintendent of Police,
Denkanikottai,
Krishnagiri District.

3. The Inspector of Police,
Thally Police Station,
Krishnagiri District

4. The Public Prosecutor,
High Court of Madras.

+2ccs to Mr.R.M.Venkatesh, Advocate, S.R.No.14282

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KV(CO)
SU(03/03/2022)