



Crl.O.P.(MD)No.16126 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 30.09.2022

CORAM :

THE HONOURABLE Mr. JUSTICE G.ILANGO VAN

Crl.O.P.(MD)No.16126 of 2022

1.U.Sathya ... 1st Petitioner/Accused No.2

2.Vadivel Manikandan ... 2nd Petitioner/ Accused
(Rank Not Known)

Vs.

1.The Deputy Superintendent of Police,
Tirunelveli District,
Tirunelvlei.

2.The Inspector of Police,
Ambasamudram Police Station,
Ambasamudram,
Tirunelveli District.

... Respondents1 & 2/Complainants

3.S.Sivaprakash

... 3rd Respondent/Defacto
Complainant

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the learned II Additional District & Sessions Judge(PCR), Tirunelveli, to accept the surrender of these petitioners in connection with the Crime NO.89 of 2022 pending on the file of the 2nd respondent and to consider their bail application on the same day on merits.

For Petitioners : Mr.J.William Christopher

For Respondents 1 & 2 : Mr.R.Suresh Kumar
Government Advocate (Crl. Side)



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ORDER

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The petitioners are the accused in Crime No.89 of 2022 on the file of learned Ambasamudram Police Station, Ambasamudram, Tirunelveli District, and the offences alleged against the accused are under Sections 279, 337, 294(b), 427, 506(2) of IPC and Sections 3(1)(s), 3(1)(r) and 3(2) (va) of SC/ST Prevention of Atrocities Amendment Act.

2. The present petition filed by the petitioners is to direct the learned II Additional District & Sessions Judge(PCR), Tirunelveli, to accept the surrender of the petitioners and also to consider the bail application on the same day.

3. Mr.R.Suresh Kumar, learned Government Advocate (Crl. Side) accepts notice for the respondents 1 and 2. The third respondent is the de-facto complainant.

4. The learned Government Advocate (Crl.Side) would submit that the first petitioner is having 4 previous cases. Most of the cases are 307 and assault cases. The second petitioner is concerned no bad antecedent is reported against him.



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5. Since the first petitioner is having 4 previous cases, this petition is dismissed as against the first petitioner is concerned.

6. Insofar as the second petitioner is concerned he is not having previous case, this Court is inclined to pass the following orders :-

- 1) The second petitioner should appear before the learned II Additional District & Sessions Judge(PCR), Tirunelveli, within a period of 15 days, from the date of uploading the order copy in the website of this Court *and*
- 2) On such surrender, concerned Sessions Judge, may consider the bail application filed by the second petitioner on merits on the same day of surrender, after giving notice to the concerned Public Prosecutor and by complying Section 15A(5) of the Act.

7. With the above observation, this Criminal Original Petition is disposed of.

30.09.2022

Index : Yes/No

Internet: Yes/No

dss



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G.ILANGO VAN, J.,

dss

To

- 1.The II Additional District & Sessions Judge(PCR),
Tirunelveli.
- 2.The Deputy Superintendent of Police,
Tirunelveli District,
Tirunelvlei.
- 3.The Inspector of Police,
Ambasamudram Police Station,
Ambasamudram,
Tirunelveli District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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