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Crl.O.P.(MD)No.5069 of 2023



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **21.03.2023**

CORAM:

THE HONOURABLE MR.JUSTICE **G.ILANGO VAN**

Crl.O.P.(MD)No.5069 of 2023

M.Mariyappan

... Petitioner

Vs.

1.The Assistant Commissioner of Police,
Tirunelveli City,
Tirunelveli District.

2.State: The Inspector of Police,
Palayamkottai Police Station,
Tirunelveli District.

(Crime No.154 of 2023). ... Respondent/Complainant

3.Y.Raja ... Respondent/Defacto Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the II Additional District and Sessions Judge (Special Court for SC/ST (POA) Act Cases), Tirunelveli, to consider the bail applications of the petitioner on the same date of their surrender in connection with Crime No.154 of 2023, registered on the file of the 2nd respondent.

For Petitioners : Mr.KA.Raamakrishnan

For Respondents : Mr.R.Suresh Kumar

for R1 & R2

Government Advocate (Crl. Side)

Mr.V.M.Jegadeespandian for R3



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ORDER

This petition has been filed to direct the learned II Additional District and Sessions Judge (Special Court for SC/ST (POA) Act Cases), Tirunelveli, to accept the surrender of the petitioner and consider the bail application on the date of their surrender in connection with Crime No. 154 of 2023 on the file of the 2nd respondent Police.

2.The petitioner is the accused person in Crime No.154 of 2023 on the file of the 2nd respondent police for the offences punishable under Section 447, 379 of IPC and Section 3(1)(g) and 3(2)(Va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3.Mr.R.Suresh Kumar, learned Government Advocate (Crl. Side) accepts notice for the respondents 1 and 2.

4.The learned counsel for the defacto complainant would submit that the tress pass has been made upon the property without his knowledge. They have damaged the crops as well as harvested paddy worth about Rs.98,600/-. The merits of the case cannot be the matter for



discussion by this Court. The defacto complainant can very well approach the concerned Court and make his submissions with regard to the merits.

5.Considering the facts and circumstances of the case, this Court is inclined to pass the following orders :-

- 1)The petitioner shall appear before the learned II Additional District and Sessions Judge (Special Court for SC/ST (POA) Act Cases), Tirunelveli, 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 15A(5) of the Act. The trial Court shall taken into consider the previous antecedents of the petitioner while passing orders on merits.

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

21.03.2023

Index : Yes/No



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Internet : Yes/No
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To

- 1.The II Additional District and Sessions Judge (Special Court for SC/ST (POA) Act Cases), Tirunelveli.
- 2.The Assistant Commissioner of Police,
Tirunelveli City,
Tirunelveli District.
- 3.The Inspector of Police,
Palayamkottai Police Station,
Tirunelveli District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGOVAN. J.

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