



Crl.O.P.(MD)No.5559 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **27.03.2023**

CORAM:

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

Crl.O.P.(MD)No.5559 of 2023

M.Samyganesh

... Petitioner

Vs.

1.State Rep. by
The Assistant Commissioner of Police,
Palayamkottai,
Tirunelveli City.

2.State rep. by
The Inspector of Police,
Palayamkottai Police Station,
Tirunelveli City.
(Crime No.158 of 2023)

... Respondents/Complainants

3.Arumugavadivu ... Respondent/Defacto Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, direct the learned 2nd Additional Sessions Judge cum Special Judge PCR Court, Tirunelveli, to accept the surrender of the petitioner and consider the bail application of the petitioner on the same day of surrender in crime No.158 of 2023.

For Petitioner : Mr.T.Selvan

For Respondents : Mr.B.Nambiselvan

for R1 & R2

Government Advocate (Crl. Side)



ORDER

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This petition has been filed to direct the learned II Additional District and Sessions Judge cum Special Judge, PCR Court, Tirunelveli, to accept the surrender of the petitioner and consider the bail application on the date of their surrender in connection with Crime No. 158 of 2023 on the file of the 2nd respondent Police.

2.The petitioner is the accused person in Crime No.158 of 2023 on the file of the 2nd respondent police for the offences punishable under Section 341, 294(b), 506(ii) r/w Section 3(1)(r) & 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3.Mr.B.Nambiselvan, learned Additional Public Prosecutor, accepts notice for the respondents 1 and 2. He would submit that there is no previous case pending against the petitioner.

4.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 cum



Special Judge, PCR Court, 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 their surrender, after hearing the defacto complainant by complying with Section 15A(3) of the Act. The trial Court shall taken into consider the previous antecedents of the petitioner while passing orders on merits.

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

27.03.2023

Index : Yes/No
Internet : Yes/No
TM

To

- 1.The II Additional District and Sessions Judge cum Special Judge, PCR Court, Tirunelveli.
- 2.The Assistant Commissioner of Police,
Palayamkottai,
Tirunelveli City.



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3.The Inspector of Police,
Palayamkottai Police Station,
Tirunelveli City.

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



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G.ILANGOVAN. J.

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