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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 29/03/2023

CORAM:

THE HON'BLE MR JUSTICE G.ILANGOVAN

Cr1.OP(MD)No.5701 of 2023

Raja Abishek : Petitioner/Accused

Vs.

1.The Deputy Superintendent of Police,
Musiri,
Tiruchirappalli District.

2.State Represented by
The Inspector of Police,
All Women Police Station,
Musiri,
Tiruchirappalli District. : R1 and R2/Complainants

3.Sinduja : R2/De-facto Complainant

Prayer: Criminal Original Petition has been filed under section 482 of the Criminal Procedure Code, to direct the learned Session Judge-cum-Special Judge, PCR Court, Tiruchirappalli to pass order on the bail petition filed by the petitioner on the same day of surrender in Crime No.27 of 2022 on the file of the All Women Police Station, Musiri, Tiruchirappalli or pass any other.



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For Petitioner : Mr.M.Mahaboob Athiff
For R1 and R2 : Mr.R.Suresh Kumar
Government Advocate
(Criminal side)
For 3rd respondent : Mr.K.N.Suri

O R D E R

This criminal original petition is filed seeking for direction to the learned Session Judge-cum-Special Judge, PCR Court, Tiruchirappalli to pass order on the bail petition filed by the petitioner on the same day of surrender in Crime No.27 of 2022 on the file of the All Women Police Station, Musiri, Tiruchirappalli.

2.Heard both sides.

3.Since the offences alleged are under sections 415 and 417 IPC, this court called for the CD file, which shows that originally, the case was registered for the offences under sections 420 and 417 IPC and later, it was altered to section 417, 376 IPC and section 3(2)(w)(i)(ii), 3(2)(v) of SC/ST (POA) Amendment Act 2015.



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4. Without noticing the development, this petition has been filed. As the original FIR was not registered for the offences under the Special Act, this petitioner moved CrI.OP(MD)No.16682 of 2022 for anticipatory bail. The matter was referred to the mediation, but there was no settlement between the parties. In the meantime, the offence was also altered. When a serious offence of section 376 IPC was made in this case, it may not be appropriate for this court to direct the Special Court to consider the application of the petitioner on the date of surrender itself. This is not a fittest case to exercise the discretionary power of this court while sitting in 482 Cr.P.C. The petitioner has to surrender before the concerned Special Court and seek regular bail.

5. With the above said direction, this petition stands **dismissed**.

29/03/2023

Index:Yes/No
Internet:Yes/No
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To,

- 1.The Special Judge,
PCR Court,
Tiruchirappalli.
- 2.The Deputy Superintendent of Police,
Musiri,
Tiruchirappalli District.
- 3.The Inspector of Police,
All Women Police Station,
Musiri,
Tiruchirappalli District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGOVAN, J

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Cr1.OP(MD)No.5701 of 2023

29.03.2023