



Crl.O.P(MD).No.8427 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 02.06.2023

CORAM:

THE HONOURABLE MRS. JUSTICE R.THARANI

Crl.O.P(MD).No.8427 of 2023

1.Jegan

2.Bharathi

...Petitioners

Vs.

1.The Deputy Superintendent of Police,
Papanasam Division, Thanjavur District.

2.The State of Tamil Nadu represented by
The Inspector of Police,
Kabisthalam Police Station,
Thanjavur District.
(Crime No.954 of 2022)

3.Manikandan

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying this Court to direct the Juvenile Justice Board cum Judicial Magistrate III, Thanjavur to liberally consider the bail applications filed by these petitioners on the same day of surrender in Crime NO.954 of 2022 on the file of the 2nd respondent.

For Petitioners : Mr.R.Narayanan

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



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ORDER

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This petitioner has filed the present petition to direct the Juvenile Justice Board cum Judicial Magistrate III, Thanjavur to liberally consider the bail applications filed by these petitioners on the same day of surrender in Crime NO.954 of 2022 on the file of the 2nd respondent.

2.The petitioners are the accused in Crime No.954 of 2022 on the file of the second respondent for the offences punishable under Sections 294(b), 324, 502(ii) of IPC, Sections 3(1)(r), 3(1)(s) and 3(2)(va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3.On the side of the petitioners, it is stated that the petitioners are innocent and they have not committed any offences as alleged by the respondent police. There is no specific overt act against the petitioners.

4.Mr.R.Suresh Kumar, learned Government Advocate (Crl. Side), accepts notice for the respondents 1 and 2. He would further submit that the injured person in this case been discharged from the hospital and there is no previous case pending against the petitioners.



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5.Considering the facts and circumstances of the case, this Court is

inclined to pass the following orders:

(i)The petitioners shall appear before the Juvenile Justice Board cum Judicial Magistrate Court No.III, Thanjavur, within a period of 15 days from the date of receipt of a copy of this order.

(ii)The petitioners have to issue notice to the defacto complainant three days prior to the date of surrender. On such surrender along with notice served to the defacto complainant, the concerned Judge shall consider the bail application filed by the petitioners and pass order on merits on the same day of their surrender, after hearing the defacto complainant by complying with Section 15A(3) of the Act.

6.In the result, this Criminal Original Petition is allowed.

02.06.2023

NCC : Yes/No
Internet : Yes/No
Index : Yes/No
TM

To

- 1.The Judicial Magistrate No.III, (Juvenile Justice Board), Thanjavur.
- 2.The Deputy Superintendent of Police,
Papanasam Division, Thanjavur District.



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3.The Inspector of Police,
Kabisthalam Police Station,
Thanjavur District.

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



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R. THARANI,J.

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