



CrI.O.P(MD).No.8535 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.05.2023

CORAM:

THE HONOURABLE MRS. JUSTICE R.THARANI

CrI.O.P(MD).No.8535 of 2023

1.Kavitha

2.Balamurugan

...Petitioners / A1 & A2

Vs.

1.The Deputy Superintendent of Police,
O/o.Deputy Superintendent of Police,
Umachikulam, Madurai District.

2.State represented by,
The Inspector of Police,
Othakadai Police Station,
Madurai District.

(Crime No.411 of 20232)

... ..Respondents 1&2/ Complainants

3.Mayananthan

... 3rd Respondent/ Defacto complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the III Additional District Judge, (PCR Cases) Court under SC & ST Act at Madurai, to consider the bail application of the petitioners to be filed before the said Court on the same day in Crime No.411 of 2022, pending on the file of the respondent police.



Crl.O.P(MD).No.8535 of 2023

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For Petitioners : Mr.K.Shivakumar

For Respondents 1 and 2 : Mr.S.Manikandan
Government Advocate (Crl. Side)

ORDER

This petitioners have filed the present petition to direct the III Additional District Judge, (PCR Cases) Court under SC & ST Act at Madurai, to consider the bail application of the petitioners concerned in Crime No.411 of 2022 on the file of the second respondent.

2. The allegation against the petitioners is that the defacto complainant entered into a lease agreement with the petitioners. On 05.11.2022, Bank of India pasted a possession notice, but, the petitioners refused to return back the lease amount. The defacto complainant was compelled to vacate the house. On 12.11.2022, when the defacto complainant demanded the lease amount, the petitioners threatened him and lodged a false complaint against the defacto complainant. During enquiry, the petitioners undertake to repay the lease amount, but, failed to pay the same. On 30.11.2022, when the defacto complainant has demanded back the lease amount, the second petitioner insulted the defacto complainant by using his



CrI.O.P(MD).No.8535 of 2023

caste name and threatened him. A case in Crime No.411 of 2022, for the offence under sections 294(b), 406, 506(i) I.P.C. and Sections 3(1) (r) and 3(1)(s) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 was registered against the petitioners.

3. On the side of the petitioners, it is stated that the petitioners are innocent and law abiding citizen. They have not committed any offence. There is only one word in the F.I.R regarding the SC/ ST Act and prayed for a direction to consider the bail petition on the same day.

4. On the side of the prosecution, it is stated that the petitioners are husband and wife. A1 has four previous cases similar in nature.

5. Considering the facts and circumstances of the case, this **Petition is disposed of on deposit of Rs.1,50,000/- to the credit of Crime No.411 of 2022** before the trial Court and on further condition that:

(i) On deposit of such amount, the petitioners shall appear before the III Additional District Judge, (PCR Cases) Court under SC & ST Act, Madurai, within a period of 15 days from the date of receipt of a copy of this order.



Crl.O.P(MD).No.8535 of 2023

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(ii) **The petitioners have to serve notice to the defacto complainant three days prior to the date of surrender. On such surrender along with served notice to the defacto complainant, and on deposit of the above said amount, the concerned Judge shall consider the bail application filed by the petitioner/A1s and pass order on merits, preferably, on the same day of their surrender, after hearing the defacto complainant by complying with Section 15A(3) of the Act.**

04.05.2023

NCC : Yes/No
Internet : Yes/No
Index : Yes/No
Ls

To

1.The III Additional District Judge,
(PCR Cases) Court under SC & ST Act,
Madurai.

2.The Deputy Superintendent of Police,
O/o.Deputy Superintendent of Police,
Umachikulam, Madurai District.



CrI.O.P(MD).No.8535 of 2023

3.The Inspector of Police,
Othakadai Police Station,
Madurai District.

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



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CrI.O.P(MD).No.8535 of 2023

R. THARANI,J.

Ls

CrI.O.P(MD).No.8535 of 2023

04.05.2023