



Crl.O.P(MD).No.8557 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 04.05.2023

CORAM:

THE HONOURABLE MRS. JUSTICE R.THARANI

Crl.O.P(MD).No.8557 of 2023

1.Manikandan

2.Iyyappan

...Petitioners

Vs

1.The Deputy Superintendent of Police,
Keeranur,
Pudukkottai District.

2.State represented by,
The Inspector of Police,
Keeranur Police Station,
Pudukkottai District.
(Crime No.135 of 2023)

3.Bashkar

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying this Court to direct the learned Principal District Judge cum PCR Court, Pudukkottai to consider the bail application of the petitioner concerned in Crime No.135 of 2023 on the file of the Sub Inspector of Police Keeranur Police Station, Pudukkottai District

For Petitioners : Mr.M.Rajarajan

For Respondents 1 and 2 : Mr.S.Manikandan

Government Advocate (Crl. Side)



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ORDER

This petitioner has filed the present petition to direct the learned Principal District Judge cum PCR Court, Pudukkottai to consider the bail application of the petitioner concerned in Crime No.135 of 2023 on the file of the second respondent.

2.The petitioners are the accused in Crime No.135 of 2023 on the file of the second respondent for the offences punishable under Sections 294(b), 341, 323, 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) Amendment Act 2015.

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.S.Manikandan, learned Government Advocate, accepts notice for the respondents 1 and 2. He would further submit that A1 has no previous case and A2 is having five previous cases.



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

inclined to pass the following orders:

(i)The first petitioner/A1 shall appear before the learned Principal District Judge cum PCR Court, Pudukkottai, within a period of 15 days from the date of receipt of a copy of this order.

(ii)The first petitioner/A1 has 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 first petitioner/A1 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.

(iii)Since the second petitioner/A2 is having five previous cases, this Criminal Original Petition is dismissed as against the second petitioner/A2.

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

04.05.2023

NCC : Yes/No
Internet : Yes/No
Index : Yes/No
Mrn



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R. THARANI,J.

Mrn

To

- 1.The Principal District Judge cum PCR Court, Pudukkottai
- 2.The Deputy Superintendent of Police,
Keeranur,
Pudukkottai District.
- 3.The Inspector of Police,
Keeranur Police Station,
Pudukkottai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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