



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **09.06.2023**

CORAM:

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

Crl.O.P.(MD)No.9428 of 2023

Ashwin @ Ashwinraj

... Petitioner/Accused No.7

Vs.

1.The Deputy Superintendent of Police,
Orathanadu, Thanjavur District.

2.The Inspector of Police,
Vattathikottai Police Station,
Vattathikottai,
Thanjavur District.

... Respondents 1 and 2

3.Alagar

... 3rd Respondent/Defacto Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, issue an order permitting the petitioner to surrender and accept the bail application filed by the petitioner before the I Additional District and Sessions cum PCR Court, Thanjavur, in connection with alteration report in Crime No.225 of 2023 on the file of the 2nd respondent police and in the event of filing the same, the said application may be directed to be considered on the same day on merits and in accordance with law forthwith.



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For Petitioners : Mr.G.Gomathi Sankar

For Respondents : Mr.S.Manikandan for R1 & R2

Government Advocate (Crl. Side)

ORDER

This petition has been filed issue an order permitting the petitioner to surrender and accept the bail application filed by the petitioner before the I Additional District and Sessions cum PCR Court, Thanjavur, in connection with alteration report in Crime No.225 of 2023 on the file of the 2nd respondent police and in the event of filing the same, the said application may be directed to be considered on the same day on merits and in accordance with law forthwith.

2.The petitioner is the accused person in Crime No.225 of 2023 on the file of the 2nd respondent police. Initially the case was registered for the offences punishable under Section 147, 148, 294(b), 324 and 307 of IPC r/w Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015. Later it was altered as Sections 147, 148, 294(b), 324, 307 and 302 of IPC r/w Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015, on 03.04.2023.



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3.Mr.S.Manikandan, learned Government Advocate (Crl. side) accepts notice for the respondents 1 and 2. He would further submit that this is the second petition. Earlier petition that was filed by the petitioner came to be dismissed by this Court in Crl.O.P.(MD).No.6957 of 2023 was dismissed by this Court considering the heinous nature of offence. At that time, it was intimated the Court that the case has been altered into section 302 IPC.

4.Now this petition has been filed on the ground that no specific allegation has been made against the petitioner, even as per the FIR. The allegations levelled against the petitioner is heinous in nature. Whether the petitioner is involved in the offence or not, is the matter of investigation by the respondent police. Hence, no direction to decide the bail application filed by the petitioner before the I Additional District and Sessions cum PCR Court, Thanjavur, can be issued by this Court at this stage. Let the petitioner surrender before the concerned authority or before the concerned Court and seek regular bail.



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5.With the above said directions, this criminal original petition is dismissed.

09.06.2023

Index : Yes/No
Internet : Yes/No
TM

To

- 1.The I Additional District and Sessions cum PCR Court, Thanjavur.
- 2.The Deputy Superintendent of Police,
Orathanadu, Thanjavur District.
- 3.The Inspector of Police,
Vattathikottai Police Station,
Vattathikottai,
Thanjavur District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGO VAN. J.

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