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CrI.O.P.(MD)No.10628 of 2023



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **15.06.2023**

CORAM:

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

CrI.O.P.(MD)No.10628 of 2023

Esakkimuthu

... Petitioner/Accused No.2

Vs.

1.The Deputy Superintendent of Police,
Alangulam,
Tenkasi District.

2. The Inspector of Police,
Alangulam Police Station,
Tenkasi District.
(Crime No.160 of 2023).

...Respondents 1 & 2/Complainants

3. Kalimuthu

... 3rd Respondent/Defacto
Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the learned II Additional District and Sessions Judge (PCR), Tirunelveli, to pass order on the bail petition filed by the petitioner on the same day of surrender in Crime No.160 of 2023 on the file of the Inspector of Police, Alangulam Police Station, Tenkasi District.

For Petitioners : Mr.Mohamed Hashim A

For R1 and R2 : Mr.B.Nambiselvan for R1 & R2
Additional Public Prosecutor



ORDER

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This petition has been filed to direct the learned II Additional District and Sessions Judge (PCR), Tirunelveli, to pass order on the bail petition filed by the petitioner on the same day of surrender in Crime No. 160 of 2023 on the file of the Inspector of Police, Alangalam Police Station, Tenkasi District.

2.The petitioner is the accused persons in Crime No.160 of 2023 on the file of the 2nd respondent police for the offences punishable under Sections 427, 294(b), 506(ii) of IPC and Section 3(1)(r), 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3.Mr.B.Nambiselvan, learned Additional Public Prosecutor, accepts notice for the respondents 1 and 2. He would submit that the petitioner has no previous cases and the petitioners caused damage to the defacto complainant's property.

4.Considering the facts and circumstances of the case, this Court is inclined to pass the following orders :-



1)The petitioner shall appear before learned II Additional District and Sessions Judge (PCR), Tirunelveli, within a period of 15 days from the date of receipt of a copy of this order.

2) On such surrender along with notice served to the defacto complainant, the concerned Judge shall consider the bail application filed by the petitioner and pass orders on merits on the same day of their surrender, after hearing the defacto complainant by complying with Section 15A(3) of the Act.

3) The trial Court is directed to consider the alleged damage that was caused by the petitioners to the defacto complainant's property at that time of considering his bail application.

5.With the above observation, this Criminal Original Petition is disposed of.

15.06.2023

NCC:Yes/No

Index : Yes/No

Internet : Yes/No

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G.ILANGO VAN. J.

Indu

To

1. The learned II Additional District
and Sessions Judge (PCR),
Tirunelveli.
2. The Deputy Superintendent of Police,
Alangulam,
Tenkasi District.
3. The Inspector of Police,
Alangulam Police Station,
Tenkasi District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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