



Crl.O.P.(MD)No.12258 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.07.2023

CORAM:

THE HONOURABLE DR.JUSTICE D.NAGARJUN

Crl.O.P.(MD) No.12258 of 2023

- 1.Moorthy
- 2.C.Selvaraju
- 3.Rajkumar
- 4.M.Prakash
- 5.M.Raha Muthaiah
- 6.M.Rathakrishnan ... Petitioners / Accused Rank not known

Vs.

- 1.The Deputy Superintendent of Police,
Oomatchikulam Sub Division, Madurai District.
- 2.The Inspector of Police,
Othakadai Police Station, Madurai District.
(In Crime No.70 of 2023)

- 3.Prabhu ..Respondents / *Defacto* Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the III Additional District and Sessions Court (PCR Cases) Madurai, Madurai District, to consider the bail application of the petitioners to be filed in Crime No.70 of 2023 on the file of the second respondent Police and to accept their surrender on the same day on merits.

For Petitioners	: Mr.R.Balamuruganantham
For R1 and R2	: Mr.Thanga Aravindh
	Government Advocate (Crl.Side)



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ORDER

This Criminal Original Petition is filed seeking for a direction to the learned III Additional District and Sessions Judge (PCR Cases) Madurai, Madurai District, to consider the bail application of the petitioners to be filed in Crime No.70 of 2023 on the very same day.

2. It is submitted by the learned counsel for the petitioners that the petitioners 1 to 6 are arrayed as Accused Nos.5 to 10 in Crime No.70 of 2023 for the offences under Sections 147, 148, 324, 379 of I.P.C. and Sections 3 (1) (r), 3 (1) (s) and 3 (2) (va) of the Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015.

3. It is submitted by learned Government Advocate (Criminal Side) that the victim in this case has received brutal injuries , thereby, sixteen sutures and 56 sutures were laid in respect of two head injuries respectively. The victim has also received grievous injury on the cheek and received multiple injuries on other parts of the body, ultimately, the victim was discharged from the hospital after twelve days of hospital admission. It is also submitted that two previous case are registered against the petitioner, including one murder case, Accused No.



8 is having two murder cases including one previous case and Accused No.10 is having one previous case.

4. Considering the circumstances, in case, if direction as sought for by the petitioner is given, the trial Court may have to consider the details of the previous criminal history of the accused. Therefore, it is not a normal case where usual orders of directing the learned District Judge to consider the bail application, on the very same day cannot be granted. However, the petitioners can surrender before the learned III Additional District and Sessions Judge (PCR Cases) Madurai, Madurai District and move an application where the learned District Judge can take appropriate decision in respect of the disposal after giving notice to all the parties concerned.

5. With this observation, this Criminal Original Petition stands disposed of.

Index : Yes/No
Internet : Yes/No
tsg

12.07.2023



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DR.D.NAGARJUN. J.

ts

To

- 1.The III Additional District and Sessions Judge
(PCR Cases) Madurai, Madurai District,
- 2.The Deputy Superintendent of Police,
Oomatchikulam Sub Division,
Madurai District.
- 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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