



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **10.07.2023**

CORAM:

THE HONOURABLE DR.JUSTICE **D.NAGARJUN**

Crl.O.P.(MD) No.12421 of 2023

S.Rajasekaran @ SattaRajasekar ... Petitioner / Sole Accused
Vs.

1.The Deputy Superintendent of Police,
Bodinayakanur Sub Division,
Theni District.

2.The Inspector of Police,
Bodinayakanur Town Police Station,
Theni District.
(Crime No.256 of 2023)

3.Gandhi ..Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to Principal District and Sessions Judge (PCR), Theni to accept the surrender of the petitioners and consider their bail application on the same day on merits with regard to the Crime No.256 of 2023 dated 28.06.2023, on the file of the respondent police.

For Petitioner : Mr.S.Ayyanar Prem Kumar

For R1 and R2 : Mr.B.Thanga Aravindh
Government Advocate Crl.Side)

For R3 : Mr.D.Rajaboopathy



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ORDER

This Criminal Original Petition is filed seeking for a direction to the Principal District and Sessions Judge (PCR), Theni, to consider the bail application of the petitioner on the same day on merits in Crime No. 256 of 2023 on the file of the second respondent.

2. It is submitted by the learned counsel appearing for the petitioner that the petitioner is the sole accused in Crime No.256 of 2023 on the file of the second respondent police, which was registered for the offences under Sections 406, 420, 294(b), 506(i) of IPC and Section 3(1)(r), 3(1)(s), 3(2)(va) of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities), Act, 1989.

3. The petitioner submits that he intends to surrender before the learned Special Judge and sought for a direction to dispose of the bail application on the very same day in Crime No.256 of 2023 on the file of the second respondent.

4.The learned counsel for the third respondent submitted that there are four previous cases are pending against the petitioner as follows:



(i) Theni District, Uthamapalayam Police Station Crime No. 445 /2020 under Section 420 and 484 of IPC.

ii) Theni District, Bodinayakkanur Taluk Police Station, Crime No. 569/2021 under Section 294(b), 504, 505(1) and 506(ii) of IPC

(iii) Theni District, Bodinayakkanur Taluk Police Station Crime No.570/2021 under Section 147, 294(b), 323, 506(i) and 109 of IPC and Section 3(1)(r), 3(1)(s) and 3(2)(va) of SC/ST (Prevention of Atrocities) Act, 1989.

(iv) Theni District, Bodinayakkanur Town Police Station Crime No.1244/2021 under Section 194(b), 5069i) and 500 of IPC.

5. Considering the circumstances, the petitioner is at liberty to surrender before the Principal District and Sessions Judge (PCR), Theni, within a period of 15 days from the date of receipt of a copy of this order. If the petitioner surrenders and files bail application, the learned Special Judge is directed to accept the surrender and dispose of the same as per law as expeditiously as possible preferably on the same day by giving notice to the prosecutor and on hearing both sides, it is needless to state that merely because this direction is given to dispose of the application possibly on the very same day does not mean that the bail application shall be allowed. The learned Special Judge is directed to consider and



dispose of the same on hearing both sides on the basis of merits and as per law, by giving notice to all the parties concerned, taking into consideration of the facts of the case, including the stage of investigation and also the fact that the petitioner is involved in four (4) other criminal cases as mentioned above.

6. This Criminal Original Petition is ordered, accordingly.

10.07.2023

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

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To

- 1.The Principal District and Sessions Judge (PCR), Theni.
- 2.The Deputy Superintendent of Police,
Bodinayakanur Sub Division,
Theni District.
- 2.The Inspector of Police,
Bodinayakanur Town Police Station,
Theni District.
(Crime No.256 of 2023)
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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DR.D.NAGARJUN. J.

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