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Crl.O.P.(MD)No.14132 of 2023



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **09.08.2023**

CORAM:

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

Crl.O.P.(MD) No.14132 of 2023

Kaleeswaran

... Petitioner / Accused No. 3

Vs.

1.The Deputy Superintendent of Police,
Sivagangai Region, Sivagangai.

2.State represented by
the Inspector of Police,
Sivagangai Town Police Station,
Sivagangai District.

(In Crime No.214 of 2023) ..Respondents 1 & 2/ Complainants

3.Manobala

..3rd Respondent / *Defacto* Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the learned Principal District and Sessions Judge (PCR Court), Sivagangai, to accept and surrender of the petitioner and consider his bail application on the same day on merits relating to Crime No.214 of 2023.

For Petitioner : Mr.P.Balasubramanian

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



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ORDER

This Criminal Original Petition is filed seeking for a direction to the learned Principal District and Sessions Judge (PCR Court), Sivagangai, to accept and surrender of the petitioner and consider his bail application on the same day on merits relating to Crime No.214 of 2023.

2. It is submitted by the learned counsel for the petitioner that the petitioner is Accused No.3 in Crime No.214 of 2023 on the file of the second respondent police, which was registered for the offences under Sections 294(b), 448, 307, 427 and 506 (ii) of IPC r/w Section 3 (2) (v) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities Act) Amendment Act, 2015 and the petitioner submits that he intends to surrender before the learned Principal District and Sessions Judge and sought for a direction to dispose of the bail application on the very same day in Crime No.214 of 2023 on the file of the second respondent.

3. Learned Government Advocate (Criminal Side) on the other hand submits that there is no previous history.



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4. Considering the circumstances, the petitioner is at liberty to surrender before the learned Principal District and Sessions Judge, (PCR Court), Sivagangai, 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 Principal District and Sessions Judge is directed to keeping in view of the fact that the offences alleged against the petitioner is under 307 I.P.C. and there were seven sutures on the victim / injured and that he was admitted as in-patient in the hospital for a period of ten days. The learned Principal District and Sessions Judge is further directed to 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.

5. It is needless to state that merely because this direction is given to dispose of the application possibly on the very same day, it 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.



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6. Accordingly, the Criminal Original Petition stands
allowed.

09.08.2023

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

To

- 1.The Principal District and Sessions Judge
(PCR), Sivangangai.
- 2.The Deputy Superintendent of Police,
Sivagangai Region, Sivagangai.
- 3.The Inspector of Police,
Sivagangai Town Police Station,
Sivagangai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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DR.D.NAGARJUN. J.

tsg

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