



WEB COPY

*CrI.O.P.(MD)No.15724 of 2023*



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **29.08.2023**

CORAM:

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

**CrI.O.P.(MD) No.15724 of 2023**

S.Vengadesh

... Petitioner

Vs.

1.State represented by its  
the Deputy Superintendent of Police,  
Thuraiyur Taluk,  
Trichy District.

2.The State represented by its  
the Inspector of Police,  
Thuraiyur Police Station,  
Trichy District.  
(Crime No.41 of 2023)

3.Vairamuthu

..Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the learned 1<sup>st</sup> Additional District Court (PCR Court), Trichy, to consider the bail application of the petitioner in connection with the FIR in Crime No.41 of 2023 on the file of the second respondent Police on the very same date of the surrender of the petitioner and consequently to enlarge the petitioner on bail on the very same day itself by disposing the petitioner's bail application.



WEB COPY

*CrI.O.P.(MD)No.15724 of 2023*



For Petitioner : Mr.S.Vidhya Sagar  
For R1 & R2 : Mr.B.Thanga Aravindh  
Government Advocate (Criminal Side)

### **ORDER**

This petition is filed under Section 482 of Cr.P.C. seeking for a direction to the learned 1<sup>st</sup> Additional District Judge, (PCR Court), Trichy, to consider the bail application of the petitioner in FIR in Crime No.41 of 2023 on the file of the second respondent Police on the very same day of surrender of the petitioner and consequently to enlarge the petitioner on bail on the very same day itself by disposing the petitioner's bail application.

2. Respondent police have registered a case against the petitioner in Crime No.41 of 2023 for the offences punishable under Sections 147, 148, 341, 427, 294(b), 323, 324, 354 and 506 (1) of IPC r/w Sections 3 (1) (r), 3 (1)(s) and 3 (2) (va) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015.

3. The petitioner has earlier filed an application in CrI.O.P. (MD).No.3275 of 2023 seeking similar relief and the same was dismissed



by holding that the petitioner has committed the offence under Sections 147, 148, 341, 427, 294(b), 323, 324, 354 and 506 (1) of IPC r/w Sections 3 (1) (r), 3 (1)(s) and 3 (2) (va) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015. Right to filing of this petition, the petitioner has filed one more application in Crl.O.P.(MD).No.4845 of 2023 seeking similar relief and the said petition was dismissed on the ground that earlier petition filed by the petitioner in Crl.O.P.(MD).No.3275 of 2023 was dismissed and thereby, Crl.O.P.(MD).No.4845 of 2023 was also dismissed.

4. It is submitted by learned counsel for the petitioner that though two applications filed by the petitioner was dismissed for the same relief, the trial of the case in which he was involved is almost completed and all the injured persons in this case have been discharged and co-accused in this case surrendered before the Court and granted bail by the Court and therefore, sought for considering this application.

5. According to the prosecution, the petitioner being Accused No.1 is the principal accused though filing of application for surrender before the Court is a statutory right of the petitioner.



6. Considering the facts and circumstances of the case and gravity of the offence, this Court is not inclined to pass directions to the learned I Additional District Judge to dispose of the bail application on the very same day.

7. In view of the above, this petition is disposed of, permitting the petitioner to surrender before the learned 1<sup>st</sup> Additional District Judge, (PCR Court), Trichy, 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 Additional District Judge is directed to hear the prosecution and all connected parties, if any and dispose of the same on merits by following due process of law and the trial Court need not to dispose of the bail application on the very same day.

**29.08.2023**

Index : Yes/No  
Internet : Yes/No  
tsg



*Crl.O.P.(MD)No.15724 of 2023*

To

- 1.The I Additional District Judge (PCR Court),  
Trichy.
- 2.The Deputy Superintendent of Police,  
Thuraiyur Taluk,  
Trichy District.
- 3.The Inspector of Police,  
Thuraiyur Police Station,  
Trichy District.
- 4.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



WEB COPY



*CrI.O.P.(MD)No.15724 of 2023*

**DR.D.NAGARJUN. J.**

tsg

**CrI.O.P.(MD)No.15724 of 2023**

**29.08.2023**