



WEB COPY

Crl.O.P.(MD)No.14758 of 2023



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **14.08.2023**

CORAM:

THE HON'BLE MR.JUSTICE K.K.RAMAKRISHNAN

Crl.O.P.(MD) No.14758 of 2023

Subbu @ Sivasubramanian

... Petitioner

Vs.

1.The Deputy Superintendent of Police,
Thalaiyuthu Sub-Division,
Thalaiyuthu,
Tirunelveli District.

2.The Inspector of Police,
Manur Police Station,
Manur,
Tirunelveli District.
Crime No.369 of 2023.

3.Rajendran

..Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the learned II Additional District and Sessions Judge, PCR Court, Tirunelveli, to consider the bail application of the petitioner on the same day of his surrender in Crime No.369 of 2023 on the file of the 1st and 2nd respondents Police.

For Petitioner
For R1 and R2

: Mr.N.Pragalathan
: Mr.B.Thanga Aravindh
Government Advocate (Crl.Side)



ORDER

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This Criminal Original Petition is filed seeking for a direction to the learned II Additional District and Sessions Judge, PCR Court, Tirunelveli, to consider the bail application of the petitioner on the same day on merits in Crime No.369 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 an accused No.1 in Crime No.369 of 2023 on the file of the second respondent police, which was registered for the offences under Sections 147, 153(A), 294(b), 323 and 506(2) IPC r/w 3, 3(1)(r), 3(1)(s) and 3(2)(va) of the SC/ST (Prevention of Atrocities) Act, 1989.

3.The petitioner submits that he intends to surrender before the learned Session Judge and sought for a direction to dispose of the bail application on the very same day in Crime No.369 of 2023 on the file of the second respondent.

4. The learned Additional Public Prosecutor appearing for the official respondents, on instructions, submits that it is a case in counter and the injured has sustained simple injury.



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5.Considering the circumstances, the petitioner is at liberty to surrender before the learned II Additional District and Sessions Judge, PCR Court, Tirunelveli, 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 Session Judge is 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 defacto complainant and on hearing both sides.

6.It is needless to state that merely because this direction is given to dispose of the application as expeditiously as possibly on the very same day does not mean that the bail application shall be allowed. The learned Special Judge is required to hear both sides on merits and dispose of the same as per law.

Index : Yes/No
Internet : Yes/No
ssb

14.08.2023

To

1.The II Additional District and Sessions Judge, PCR Court, Tirunelveli.

2.The Deputy Superintendent of Police,
Thalaiyuthu Sub-Division,
Thalaiyuthu,
Tirunelveli District.



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3.The Inspector of Police,
Manur Police Station,
Manur,
Tirunelveli District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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K.K.RAMAKRISHNAN,J

ssb

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