



CrI.O.P.(MD) No.16248 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.09.2023

CORAM:

THE HONOURABLE DR.JUSTICE D.NAGARJUN

CrI.O.P.(MD)No.16248 of 2023

Madasamy

... Petitioner

Vs.

1.The Deputy Superintendent of Police,
Alangulam, Tenkasi District.

2.State
represented by the Inspector of Police,
Alwarkurichi Police Station,
Tenkasi District.
(in Cr.No.179 of 2023)

3.Moorthi

4.Vinayagam

..Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the learned II Additional District and Sessions Judge cum Exclusive Trial of SC/ST Cases Judge (PCR), Tirunelveli to accept the surrender of the petitioner and consider his bail application on the same day on merit relating to Cr.No.179 of 2023 dated 15.08.2023.



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For Petitioner :Mr.V.Maharajan
For R1 and R2 :Mr.B.Thanga Aravindh
Government Advocate (crl.side)

ORDER

This Criminal Original Petition is filed seeking for a direction to the learned II Additional District and Sessions Judge cum Exclusive Trial of SC/ST Cases Judge (PCR), Tirunelveli, to consider the bail application of the petitioner on the same day on merits in Crime No.179 of 2023 on the file of the respondent No.2 police.

2.It is submitted by the learned counsel appearing for the petitioner that the petitioner is the accused No.4 in Crime No.179 of 2023 on the file of the respondent No.2 police, which was registered for the offences under Sections 147, 148, 294(b), 307 and 506(2) IPC and Section 3(1)(r), 3(1)(s), 3(2)(va) of the SC/ST (Prevention of Atrocities) Act, 1989, and 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.179 of 2023 on the file of the respondent No.2 police.



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3.Learned Government Advocate (Criminal Side) on the other hand submits that the petitioner is having no previous case.

4.Considering the circumstances, the petitioner is at liberty to surrender before the learned II Additional District and Sessions Judge cum Exclusive Trial of SC/ST Cases Judge (PCR), 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 Special 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 on hearing both sides.

5.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.



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6.This Petition is disposed of, accordingly.

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

13.09.2023

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To

- 1.The II Additional District and Sessions Judge
cum Exclusive Trial of SC/ST Cases Judge (PCR), Tirunelveli.
- 2.The Deputy Superintendent of Police,
Alangulam, Tenkasi District.
- 3.The Inspector of Police,
Alwarkurichi Police Station,
Tenkasi District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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DR.D.NAGARJUN. J.

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