



Crl.O.P(MD)No.16721 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.09.2023

CORAM

THE HONOURABLE DR.JUSTICE D.NAGARJUN

Crl.O.P(MD)No.16721 of 2023

Kumar

... Petitioner

vs.

1.The Assistant Commissioner of Police,
Trichy,
Trichy City.

2.The Inspector of Police,
Fort Police Station,
Trichy City.

3.Chelladurai

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the I Additional District and Sessions Judge Special Court for (PCR) cases, Trichy, Trichy District, to consider the bail application of the petitioner on the same day of his surrender in Crime No. 2228 of 2023 dated 02.09.2023 on the file of the second respondent police.



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For Petitioner : Mr.B.Santhanam Rajesh Kumar
For R1 & R2 : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

ORDER

This Criminal Original Petition is filed seeking for a direction to the learned I Additional District and Sessions Judge Special Court for (PCR) cases, Trichy, Trichy District, to consider the bail application filed by the petitioner on the same day of surrender in Crime No.2228 of 2023 on the file of the second respondent Police.

2. It is submitted by the learned counsel for the petitioner that the petitioner is the accused No.2 in Crime No.2228 of 2023 on the file of the second respondent police, which was registered for the offences under Sections 294(b), 352, 506(i) and 420 of IPC r/w Sections 3 (1) (r) and 3 (1) (s) Scheduled Caste and the Schedule Tribes (Prevention of Atrocities) Amendment Act, 2015 and 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.2228 of 2023 on the file of the second respondent.



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3. Learned Additional Public Prosecutor on the other hand submits that no previous case is pending against the petitioner.

4. Considering the circumstances, the petitioner is at liberty to surrender before the learned I Additional District and Sessions Judge Special Court for (PCR) cases, Trichy, Trichy District, 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 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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19.09.2023

Speaking/Non-speaking Order

NCC : Yes / No

Index : Yes / No

ssb

To

1. I Additional District and Sessions Judge Special Court for (PCR) cases,
Trichy, Trichy District.

2.The Assistant Commissioner of Police,
Trichy,
Trichy City.

3.The Inspector of Police,
Fort Police Station,
Trichy City.

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



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DR.D.NAGARJUN, J.

ssb

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