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Crl.O.P.(MD)No.17771 of 2023



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **05.10.2023**

CORAM:

THE HONOURABLE MR.JUSTICE **G.ILANGO VAN**

Crl.O.P.(MD)No.17771 of 2023

Vijayakumar

... Petitioner/Accused

Vs.

1.The Deputy Superintendent of Police,
Kumbakonam,
Thanjavur District. ... 1st Respondent/Investigating Officer

2.The Inspector of Police,
Sengipatti Police Station,
Thanjavur District.
Crime No.269 of 2023. ... 2nd Respondent/Complainant

3.Kadalmani ... 3rd Respondent/Defacto Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the Learned Additional District and Sessions Judge (PCR Court), Thanjavur, to consider the bail application of the petitioner in Cr No. 269 of 2023 on the same date of surrender and dispose the same on its merits in accordance with law.

For petitioner : Mr.T.Eshwar

For Respondents : Mr.M.Vaikkam Karunanithi
Government Advocate (Crl. Side)



ORDER

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This petition has been filed seeking direction to the learned Additional District and Sessions Judge (PCR Court), Thanjavur, to accept the surrender of the petitioner in connection with Crime No.269 of 2023 on the file of the 2nd Respondent Police on the same day of filing and to consider the Anticipatory Bail/ Bail petition filed by the petitioner on the same day of filing in accordance with law.

2.The petitioner is the accused persons in Crime No.269 of 2023 on the file of the 2nd respondent police for the offences punishable under Section 294(b), 323 and 506(ii) of IPC and under Sections 3(1)(r), 3(1)(s) & 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3.Mr.M.Vaikkam Karunanithi, learned Government Advocate (CrI. Side), accepts notice for the respondents 1 and 2. He would further submit that the injured in this case has been discharged from the hospital and the petitioner is having four previous cases against him, however, not similar in nature.



4.Considering the facts and circumstances of the case, this Court is inclined to pass the following orders :-

- 1)The petitioner shall appear before the learned Additional District and Sessions Judge (PCR Court), Thanjavur, within a period of 15 days from the date of receipt of a copy of this order.
- 2)On such surrender along with notice served to the defacto complainant, the concerned Judge shall consider the bail application filed by the petitioner and pass orders on merits on the same day of his surrender, after hearing the defacto complainant by complying with Section 15A(3) of the Act. The trial Court shall taken into consider the previous antecedents of the petitioner while passing orders on merits.

5.With the above observation, this Criminal Original Petition is disposed of.

05.10.2023

Index : Yes/No
Internet : Yes/No
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To

- 1.The Additional District and Sessions Judge (PCR Court), Thanjavur.
- 2.The Deputy Superintendent of Police,
Kumbakonam, Thanjavur District.



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3.The Inspector of Police,
Sengipatti Police Station,
Thanjavur District.

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



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G.ILANGOVAN. J.

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