



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **15.11.2023**

CORAM:

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

Crl.O.P.(MD)No.20517 of 2023

Siva Athithiyan

... Petitioner/Accused No.2

Vs.

1.State Represented through the
The Deputy Superintendent of Police,
Usilampatti Sub Division,
Usilampatti,
Madurai District.

2.The Inspector of Police,
Checkanurani Police Station,
Madurai District.
(Crime No.389 of 2023)

...Respondent Nos.1 & 2/
Complainant

3.Thavapandi

... Respondent No.3/Defacto
Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the learned 3rd Additional District and Sessions Judge, (Special Court for SC and ST (POA) Act Cases, (PCR Court), Madurai, to consider the bail application of the petitioner on the same day of surrender in Crime No.389 of 2023 on the file of second respondent.



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CrI.O.P.(MD)No.20517 of 2023



For Petitioner : Mr.R.Karunanidhi
For R1 & R2 : Mr.M.Vaikkam Karunanithi
Government Advocate (Crl.side)

ORDER

This petition has been filed to direct the learned 3rd Additional District and Sessions Judge, (Special Court for SC and ST (POA) Act Cases, (PCR Court), Madurai, to consider the bail application of the petitioner on the same day of surrender in Crime No.389 of 2023 on the file of second respondent.

2.The petitioner is the accused persons in Crime No.389 of 2023 on the file of the 2nd respondent Police for the offences punishable under Sections 341, 147, 294(b), 323, 427, 506(i) of IPC and Sections 3(1)(r), 3(1)(s) and 3(2)(Va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3.Mr.M.Vaikkam Karunanithi, learned Government Advocate (Crl.side), accepts notice for the respondents 1 and 2. He would submit no previous case is pending against the petitioner and there is no injury in this case.



Crl.O.P.(MD)No.20517 of 2023

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 3rd Additional District and Sessions Judge, (Special Court for SC and ST (POA) Act Cases, (PCR Court), Madurai, 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 their surrender, after hearing the defacto complainant by complying with Section 15A(3) of the Act.

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

15.11.2023

NCC:Yes/No

Index : Yes/No

Internet : Yes/No

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To



Crl.O.P.(MD)No.20517 of 2023

G.ILANGOVAN. J.

Indu

- 1.The 3rd Additional District and Sessions Court,
(Special Court for SC and ST (POA) Act Cases,
(PCR Court), Madurai.
- 2.The Deputy Superintendent of Police,
Usilampatti Sub Division,
Usilampatti,
Madurai District.
- 3.The Inspector of Police,
Checkanurani Police Station,
Madurai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P.(MD)No.20517 of 2023

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