



WEB COPY

CrI.O.P.(MD)No.20837 of 2023



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

CrI.O.P.(MD) No.20837 of 2023

1. Rahamathulla @ Mohamad Rahamathullah
2. Abuthahir
3. Anish @ Aniskhan
4. Rahamath @ Rahumathullah ... Petitioners/Accused Nos.1 to 4
Vs.
1. The Deputy Superintendent of Police,
O/o.The Deputy Superintendent of Police,
Melur,
Madurai District.
2. The Inspector of Police,
Melur Police Station,
Madurai District.
In Crime No.747/2023. ...1st and 2nd Respondents/
Complainants
3. Dakshnamoorthi ... 3rd Respondent/Defacto
Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct to the learned III Additional District Judge PCR Court, Madurai, to consider the bail application of the petitioners on the same day on merits in Crime No.747/2023 on the file of the respondent No.2



Police Station.

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For Petitioners : Mr.SMA Jinnah
For R1 and R2 : Mr.M.Vaikkam Karunanithi,
Government Advocate (Crl. Side)

ORDER

This petition has been filed to direct to the learned III Additional District Judge PCR Court, Madurai, to consider the bail application of the petitioners on the same day on merits in Crime No.747/2023 on the file of the respondent No.2 Police Station.

2.The petitioners are the accused persons in Crime No.747 of 2023 on the file of the 2nd respondent Police for the offences punishable under Sections 109, 427, 294(b), 506(ii) of IPC and Section 3(1)(r), 3(1)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015.

3.Mr.M.Vaikkam Karunanithi, learned Government Advocate (Crl. Side), accepts notice for the respondents 1 and 2. He would further submit that there is no injury in this case and no previous case is pending against the petitioners. At that time of occurrence, the petitioners caused damage to the property of the defacto complainant.



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

- 1)The petitioners shall appear before the III Additional District Court, 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 petitioners 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.
- 3) At that time of considering the bail application to be filed by the petitioners, the trial Court may take into account of the damage that is caused by the petitioners at that time of occurrence.

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

22.11.2023

NCC:Yes/No
Index : Yes/No
Internet : Yes/No
Indu



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G.ILANGO VAN. J.

Indu

To

- 1.The III Additional District Judge PCR Court, Madurai.
- 2.The Deputy Superintendent of Police,
O/o.The Deputy Superintendent of Police,
Melur,
Madurai District.
3. The Inspector of Police,
Melur Police Station,
Madurai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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