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CrI.O.P.(MD)No.20980 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.20980 of 2023

Sakthi @ Sakthivel

... Petitioner/3rd Accused

Vs.

1.The Deputy Superintendent of Police,
Papanasam Division,
Thanjavur District.

2. The Inspector of Police,
Ammamet Police Station,
Thanjavur District.
In Crime No.926/2023.

...Respondent No.2/Complainants

3. Veeraiyan

... 3rd Respondent/Defacto
Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the learned 1st Additional District and Sessions Judge (PCR) Court, Thanjavur, to consider the bail application to be filed by the petitioner on the same day on his surrender in connection with crime No.926/2023 on the file of the 2nd respondent Police.

For Petitioners : Mr.A.Arun Prasad

For R1 and R2 : Mr.M.Vaikkam Karunanithi
Government Advocate (CrI.Side)



ORDER

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This petition has been filed to direct the learned 1st Additional District and Sessions Judge (PCR) Court, Thanjavur, to consider the bail application to be filed by the petitioner on the same day on his surrender in connection with crime No.926/2023 on the file of the 2nd respondent Police.

2.The petitioner is the accused persons in Crime No.926 of 2023 on the file of the 2nd respondent Police for the offences punishable under Sections 294(b), 352, 427 and 506(i) of IPC and Sections 3(1)(r), 3(1)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

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



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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 1st 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 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 petitioner, 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
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G.ILANGOVAN. J.

Indu

To

1. The learned 1st Additional District and Sessions Judge,
(PCR) Court, Thanjavur.
2. The Deputy Superintendent of Police,
Papanasam Division,
Thanjavur District.
3. The Inspector of Police,
Ammamet Police Station,
Thanjavur District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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