



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **21.11.2023**

CORAM:

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

Crl.O.P.(MD)No.20836 of 2023

1.Saravanan
2.Ethayavanan
3.Nithiyarasan
4.Selvendran ... Petitioners/Accused Nos.1 to 4
Vs.

1.The State represented by its
The Deputy Superintendent Of Police,
Office of the Deputy Superintendent of Police,
Orathanadu, Thanjavur District.
2.The Inspector of Police
Orathanadu Police Station,
Thanjavur District.
(In Crime No.928 of 2023) ... Respondents No.1 & 2/Complainants

3.Eniyavan ... 3rd Respondent/Defacto Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the Learned I Additional District and Sessions Judge, (PCR Court), Thanjavur to consider the bail application of the petitioners on the same day of their surrender itself in Crime No.928 of 2023 on the file of R2 Police.



For Petitioners : Mr.S.Balasubramanian

For Respondents : Mr.M.Vaikkam Karunanithi for R1 & R2
Government Advocate (Crl. Side)

ORDER

This petition has been filed to direct the learned I Additional District and Sessions Judge, (PCR Court), Thanjavur, to accept the surrender of the petitioners and consider the bail application on the date of their surrender in connection with Crime No. 928 of 2023 on the file of the 2nd respondent Police.

2.The petitioners are the accused persons in Crime No.928 of 2023 on the file of the 2nd respondent police for the offences punishable under Sections 294(b), 352, 506(ii) of IPC and Section 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 (Crl. side), accepts notice for the respondents 1 and 2. He would further submitted the alleged mobile phone has not been recovered in this case.

4.Considering the facts and circumstances of the case, this Court is



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Crl.O.P.(MD)No.20836 of 2023



inclined to pass the following orders :-

- 1)The petitioners shall appear before the learned I 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 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. The trial Court shall consider the non recovery of cell phone in this matter.

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

21.11.2023

Index : Yes/No
Internet : Yes/No
TM

To

- 1.The I Additional District and Sessions Judge, (PCR Court), Thanjavur,.
- 2.The Deputy Superintendent Of Police,
Office of the Deputy Superintendent of Police,
Orathanadu, Thanjavur District.



CrI.O.P.(MD)No.20836 of 2023

WEB COPY

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

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



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CrI.O.P.(MD)No.20836 of 2023

G.ILANGO VAN. J.

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CrI.O.P.(MD)No.20836 of 2023

21.11.2023