



Crl.O.P.(MD).No.22158 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED:08.12.2023

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

Crl.O.P.(MD).No.22158 of 2023

Vibin Raj @ Bibin Raj

... Petitioner

Vs.

1.The Deputy Superintendent of Police,
Thuckalay Sub-Division,
Kanyakumari District.

2.The Inspector of Police,
AWPS-Marthandam Police Station,
Kanyakumari District.
In Crime No.16 of 2023.

3.P.Murugan

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to direct the Spl.Judge for SC/ST(POA) Act/2nd Additional District and Sessions Judge (PCR Court), Tirunelveli to consider the bail application of the petitioner on the same day of his surrender in Crime No.16/2023 on the file of the 2nd respondent police.



Crl.O.P.(MD).No.22158 of 2023

For Petitioner : Mr.P.T.Ramesh Raja
For R1 & R2 : Mr.R.M.Anbunithi
Addl.Public Prosecutor (Crl.side)

ORDER

This Criminal Original Petition is filed to direct the Spl.Judge for SC/ST(POA) Act/2nd Additional District and Sessions Judge (PCR Court), Tirunelveli to consider the bail application of the petitioner on the same day of his surrender in Crime No.16/2023 on the file of the 2nd respondent police.

2.The petitioner is the accused person in Crime No.16 of 2023 on the file of the 2nd respondent police for the offences punishable under Section 5(i), 5(j)(ii), 6 of POCSO Act @ 5(i)5(j)(ii), 6 of POCSO Act and Section 3(1)(w)(i), 3(2)(va) of SC/ST (POA) Amendment Act, 2015.

3. Learned counsel for the petitioner submitted that it is a case of love affair. Now the victim is in the care and custody of the parents of this petitioner. It is a matter for consideration by the concerned trial Court.



Crl.O.P.(MD).No.22158 of 2023

WEB COPY

4. Mr.R.M.Anbunithi, learned Government Advocate (Crl. Side), accepts notice for the respondents 1 and 2.

5. 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 Special Judge for SC/ST(POA) Act / Second Additional District and Sessions Judge (PCR Court), Tirunelveli, 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.



Crl.O.P.(MD).No.22158 of 2023

WEB COPY

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

08.12.2023

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

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To

- 1.The Special Judge for SC/ST(POA) Act / Second Additional District and Sessions Judge (PCR Court), Tirunelveli.
- 2.The Deputy Superintendent of Police, Thuckalay Sub-Division, Kanyakumari District.
- 3.The Inspector of Police, AWPS-Marthandam Police Station, Kanyakumari District. In Crime No.16 of 2023.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.O.P.(MD).No.22158 of 2023

G.ILANGO VAN, J.

pnn

Crl.O.P.(MD).No.22158 of 2023

08.12.2023