



Crl.O.P.(MD)No.22530 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **14.12.2023**

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

Crl.O.P.(MD)No. 22530 of 2023

1.Balajothi
2.Palraj
3.Ramkumar
4.Esaikkumuthu

... Petitioners

Vs.

1. The Superintendent of Police,
Sattur,
Virudhunagar District.

2. State rep. by the
The Inspector of Police,
Vembakottai Police Station,
Virudhunagar District.
(Crime No. 329 of 2023)

3.Kaleeswaran

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the learned District and Sessions Judge (Special Court for PCR Cases), Srivilliputur to accept the surrender of the petitioners and consider their bail application on the same day on merit relating to Crime No.329 of 2023, dated 07.12.2023.



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For Petitioners : Mr.S. Manojkumar
For Respondents : Mr.R.M.Anbunithi
Additional Public Prosecutor

ORDER

This petition has been filed to direct the learned District and Sessions Judge (Special Court for PCR Cases), Srivilliputur to accept the surrender of the petitioners and consider their bail application on the same day on merit relating to Crime No.329 of 2023, dated 07.12.2023.

2.The petitioners are the accused persons in Crime No.329 of 2023 on the file of the 2nd respondent police for the offences punishable under Sections 147, 148, 294(b), 323, 324 IPC and Sections 3(1)(r), 3(1)(s) and 3(2) (va) of SC/ST (POA) Amendment Act, 1989.

3. Mr.R.M.Anbunithi, learned Additional Public Prosecutor accepts notice for the respondents 1 and 2. He would further submit that 1st petitioner viz., Balajothi has already been arrested and remanded to judicial custody on 07.12.2023 and in respect other accused persons no previous case is pending against them.



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

1)The petitioners 2 to 4 shall appear before the learned District and Sessions Judge (Special Court for PCR Cases), Srivilliputtur, 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 2 to 4 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 taken into consider the previous antecedents of the petitioners while passing orders on merits.

5. Since the 1st petitioner has already been arrested and remanded to judicial custody, this Criminal Original Petition is dismissed as against the 1st petitioner.



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

14.12.2023

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

To

1. the learned District and Sessions Judge (Special Court for PCR Cases), Srivilliputtur

2. The Superintendent of Police,
Sattur,
Virudhunagar District.

3. The Inspector of Police,
Vembakottai Police Station,
Virudhunagar District.
(Crime No. 329 of 2023)

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



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G.ILANGO VAN,J

trp

Order made in
Crl.O.P.(MD)No. 22530 of 2023

Dated: 14.12.2023