



Crl.O.P.(MD) No.23546 of 2023

WEB COP BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.12.2023

CORAM

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

Crl.O.P.(MD) No.23546 of 2023

Barathimohan

... Petitioner /Accused No.3

Vs

**1.The Deputy Superintendent of Police,
Lalgudi Division, Trichy District.**

**2.The Inspector of Police,
Lalgudi Police Station,
Trichy District.
(Crime No.570 of 2023)**

... Respondents 1 & 2

3.Nivetha

... 3rd Respondent / Defacto complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, 1973 (Act No.2 of 1974) praying to direct the learned I Additional Sessions Judge cum Special Judge, PCR Court, Trichy, to pass order on the bail petition filed by the petitioner on the same day of surrender in Crime No.570 of 2023 on the file of the Inspector of Police, Lalgudi Police Station, Trichy District.



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For Petitioner : Mr.S.B.Kayvin Prince

For R-1 & R-2 : Mr.M.Veeranthiran
Government Advocate (Criminal Side)

ORDER

This Criminal Original Petition has been filed by the petitioner / Accused No.3 on 26.12.2023 under Section 482 of the Criminal Procedure Code, 1973 (Act No.2 of 1974) praying to direct the learned I Additional Sessions Judge cum Special Judge, PCR Court, Trichy, to pass orders on the bail petition filed by the petitioner on the same day of his surrender in Crime No.570 of 2023 for the offences punishable under Sections 147, 148, 294(b), 427 and 506(2) of the Indian Penal Code, 1860 (Act No.45 of 1860); Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002; and Sections 3 (1) (r), 3 (1) (s), 3 (1) (z) and 3 (2) (va) of 'The Schedule Caste and the Schedule Tribes (Prevention of Atrocities Act), 1989 (Act No.33 of 1989)' (henceforth 'SC and ST (POA) Act, 1989') on the file of the second respondent Police.

2. The case of the prosecution is that on 22.12.2023 at about 01.15 a.m., when the third respondent / *defacto* complainant along with



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her husband was sleeping in her home, the petitioner along with other accused persons demolished the *defacto* complainant's house with JCB and attacked the *defacto* complainant and her husband with deadly weapons and criminally intimidated them. Hence, the case.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely roped in this case. Accordingly, he prayed to allow this Criminal Original Petition.

4. The learned Government Advocate (Criminal Side) appearing for the first and second respondent-Police submitted that the investigation is going on. Accordingly, he prayed to dismiss this Criminal Original Petition.

5. Heard on both sides. This Court has perused the records.

6. In view of the amendments made in the SC and ST (POA) Act, 1989, this Court is of the view that the directions that would usually be issued by this Court cannot be issued routinely in all cases. Considering the facts and circumstances of the case, this Court is inclined to pass the following orders:



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(i) The petitioner shall surrender before the learned I Additional Sessions Judge cum Special Judge, PCR Court, Trichy, within a period of fifteen (15) days from today; and

(ii) 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 order on merits on the same day of his surrender, after hearing the *defacto* complainant in compliance with Section 15A(3) of the SC and ST (POA) Act, 1989.

7. Accordingly, this Criminal Original Petition is allowed with the directions stated supra.

28.12.2023

TSG

Note:-

- 1. Registry is directed to forthwith upload this order in the official website of this Court.**
- 2. All concerned to act on this order being uploaded in official website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in official website of this Court will be watermarked and will also have a QR code.**



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TO

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- 1.The I Additional Sessions Judge cum Special Judge,
PCR Court, Trichy.
- 2.The Deputy Superintendent of Police,
Lalgudi, Trichy District.
- 3.The Inspector of Police,
Lalgudi Police Station,
Trichy District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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R.SAKTHIVEL, J.

TSG

Order
in
Crl.O.P.(MD) No.23546 of 2023

Date : 28.12.2023