



Crl.O.P.(MD) No.117 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.01.2024

CORAM

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P (MD) No.117 of 2024

1.Packiyaraj @ Santhosha Packiyaraj

2.Packiyaraj Magan @ Prabhakaran

3.Bilavendran

...Petitioners

vs

1.The Deputy Superintendent of Police,
Nanguneri,
Tirunelveli District.

2.The Inspector of Police,
Vijayanarayanam Police Station,
Tirunelveli District,
Crime No.227 of 2023

3.Kanagaraj

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying, to direct the II-Additional District and Sessions Judge, (PCR Court), Tirunelveli to accept the surrender of the Petitioners and to consider the bail application to be filed by the Petitioners on the same day in Cr.No. 227 of 2023 on the file of the 2nd respondent police.



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For Petitioners : Mr.T.A.Ebenezer
For R1 & R2 : Mr.M.Veeranthiran
Government Advocate (Crl.side)

ORDER

This Criminal Original Petition has been filed to direct the learned 2nd Additional District and Sessions Judge, (PCR Court), Tirunelveli, to consider the Petitioners' bail applications on the same day of surrender in Crime No.227 of 2023 on the file of the 2nd Respondent.

2.The learned Government Advocate (Crl.Side) for the Respondents 1 and 2 would submit that the petitioners are alleged to have damaged the bund put up by the defacto complainant/victim for collecting rain water for irrigation purposes.

3.In a case and counter case, both the cases had to be investigated by the same Investigation Officer and the final report had to be laid before the same Court, so that the Court can decide who is aggressor and who is the victim.



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4.Considering the submissions made by the learned Government Advocate (Crl.side), this Criminal Original Petition is allowed with the following conditions:-

i) The Petitioners are directed to surrender before the learned 2nd Additional District and Sessions Judge, (PCR Court), Tirunelveli, within 15 days from the date of receipt of a copy of this order or from the date of uploading the copy of this order in the official web-site of this Court.

ii) On such surrender by the Petitioners, the learned 2nd Additional District and Sessions Judge, (PCR Court), Tirunelveli, shall consider the bail applications of the Petitioners and dispose of the same as per the provisions of SC/ST (Prevention of Atrocities) Act, 1989, after issuing notice and hearing the objections of the victim of the crime.

Internet:Yes./No
Index:Yes/No
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05.01.2024

To

1.The II-Additional District and Sessions Judge,
(PCR Court), Tirunelveli.

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- 2.The Deputy Superintendent of Police,
Nanguneri,
Tirunelveli District.
- 3.The Inspector of Police,
Vijayanarayanam Police Station,
Tirunelveli District,
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SATHI KUMAR SUKUMARA KURUP, J.

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