



Crl.O.P.(MD).No.1327 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 12.02.2024

CORAM:

THE HONOURABLE Mr. JUSTICE SATHI KUMAR SUKUMARA KURUP

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Senthamilselvan @ Appu

... Petitioner/Accused No.3

Vs.

1.The Deputy Superintendent of Police,
Thanjavur Taluk Sub Division,
Thanjavur District.

2.The Inspector of Police,
Melatur Police Station,
Thanjavur District.
(Crime No.226 of 2023)

...Respondents 1 & 2/Complainants

3.Sakthivel

...3rd Respondent/De-facto Complainant

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to direct the learned 1st Additional District and Sessions Court (PCR), Thanjavur, Thanjavur District to consider the bail application of the Petitioner on the very same day of surrender in Crime No.226 of 2023 dated 13.11.2023 on the file of the second Respondent Police.



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For Petitioner : Mr.K.Prabhu

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

ORDER

This Criminal Original Petition had been filed seeking direction against the learned 1st Additional District and Sessions Court (PCR), Thanjavur, Thanjavur District, to consider bail application of the Petitioner on the day of his surrender in Crime No.226 of 2023.

2. The learned Counsel for the Petitioner submitted that the alleged incident took place on 12.11.2023, when the De-facto Complainant came to know that his friend namely Deepak was beaten up. At that time, there was a dispute between the Petitioner along with other accused and the De-facto Complainant. In this regard, a complaint was preferred by the third respondent against the petitioner, based on which the case was registered in Crime No.226 of 2023 dated 13.11.2023 for the offences punishable under Sections 294(b), 324, 506(2) of IPC, 3(1)(r) , 3(1)(s), 3(2)(va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. Hence, the Petitioner is seeking direction against the learned 1st Additional District and Sessions Court



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(PCR), Thanjavur, Thanjavur District, to consider his bail application on the day of his surrender.

3. The learned Government Advocate (Criminal Side) appearing for the Respondents 1 and 2 would submit that the Petitioner along with other accused is alleged to have attacked the De-facto complainant's friend namely Deepak with bare hands causing simple injuries. The said Deepak was hospitalized for 10 days and discharged from the hospital. Hence, the case was registered against the Petitioner and other accused by the De-facto complainant. He further submitted that the petitioner is alleged to have abused the De-facto complainant by attracting the provisions of Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. He also submitted that one previous case was pending against the Petitioner.

4. The learned Counsel for the Petitioner by way of rejoinder submitted that the Petitioner was acquitted from the pending case, after full trial.

5. Considering the submissions made by the learned Government Advocate (Criminal Side) and the learned Counsel for the Petitioner, this Court directs the Petitioner to surrender before the learned 1st Additional District and



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Sessions Court (PCR), Thanjavur, Thanjavur District 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.

6. On such surrender by the Petitioner and on filing an application for bail, the learned 1st Additional District and Sessions Court (PCR), Thanjavur, Thanjavur District, shall consider the bail application of the Petitioner and dispose of the same, after issuing notice to the victim of crime / De-facto complainant and after hearing their objections of the victim of the crime, pass appropriate orders as per law.

7. With the above said direction, this Criminal Original Petition is disposed of.

12.02.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr

Note: Issue Order Copy on 13.02.2024



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To

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- 1.The First Additional District and Sessions Court (PCR),
Thanjavur, Thanjavur District.
- 2.The Deputy Superintendent of Police,
Thanjavur Taluk Sub Division,
Thanjavur District.
- 3.The Inspector of Police,
Melatur Police Station,
Thanjavur District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SATHI KUMAR SUKUMARA KURUP, J.

Nsr

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