



Crl.O.P.(MD).No.1449 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 31.01.2024

CORAM:

THE HONOURABLE Mr. JUSTICE SATHI KUMAR SUKUMARA KURUP

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Thanishkumar

... Petitioner/Accused rank not known

Vs.

1.The Deputy Superintendent of Police,
Valliyoor Sub Division,
Tirunelveli District.

2.The Inspector of Police,
Radhapuram Police Station,
Tirunelveli District.
(Crime No.296 of 2024)

...Respondents 1 & 2/Complainants

3.Vijay

...3rd Respondent/De-facto Complainant

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to direct the learned Additional Sessions Judge No.II (PCR), Tirunelveli to accept the surrender of the Petitioner and consider his bail application on the same day in Crime No.296 of 2023 pending on the file of the second Respondent Police.



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For Petitioner : Mr.C.Venkatesh

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 Additional Sessions Judge No.II (PCR), Tirunelveli to consider bail application of the Petitioner on the day of his surrender in Crime No.296 of 2023.

2. The learned Counsel for the Petitioner submitted that the alleged incident took place at the time of firing crackers during Deepavali festival. In this regard, a complaint was preferred by the third respondent against the petitioner, based on which the case was registered in Crime No.296 of 2023 dated 12.11.2023 for the offences punishable under Sections 147, 294(b), 323, 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 Additional Sessions Judge No.II (PCR), Tirunelveli to consider his bail application on the day of their surrender.



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3. The learned Government Advocate (Criminal Side) appearing for the Respondents 1 and 2 would submit that the dispute arose between the Petitioner and the De-facto complainant. The Petitioner is alleged to have attacked the De-facto complainant with bare hands causing simple injuries, based on which the case was registered against the Petitioner 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.

4. 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 Additional Sessions Judge No.II (PCR), 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.

5. On such surrender by the Petitioner and on filing an application for bail, the learned Additional Sessions Judge No.II (PCR), Tirunelveli, shall consider the bail application of the Petitioner and dispose of the same, after



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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.

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

31.01.2024

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

To

- 1.The Additional Sessions Judge No.II (PCR),
Tirunelveli.
- 2.The Deputy Superintendent of Police,
Valliyoor Sub Division,
Tirunelveli District.
- 3.The Inspector of Police,
Radhapuram 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.

Nsr

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