



Crl.O.P.(MD).No.1414 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

Crl.O.P.(MD).No.1414 of 2024

1.Kalyani

2.Ganesan

3.Thangarani

... Petitioners/Accused No.1 to 3

Vs.

1.The Deputy Superintendent of Police,
Usilampatti Taluk,
Madurai District.

2.The Inspector of Police,
Usilampatti Taluk Police Station,
Madurai District.

...Respondents 1 & 2/Complainants

3.Anna Lakshmi

...3rd Respondent/De-facto Complainant

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to direct the learned III Additional District and Sessions Judge (PCR Cases), Madurai to consider the bail petition, the Petitioner's surrender before the said Court and enlarge the Petitioner on bail on the same day in Crime No.7 of 2024 on the file of the second Respondent Police.



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For Petitioners : Mr.P.Ammavasai

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 III Additional District and Sessions Judge (PCR Cases), Madurai to consider bail application of the Petitioners on the day of their surrender in Crime No.7 of 2024.

2. The learned Counsel for the Petitioners submitted that there was a pathway dispute between the Petitioners and the De-facto complainant, based on which a complaint was preferred by the De-facto complainant and a case was registered in Crime No.7 of 2024 dated 07.01.2024 for the offences punishable under Sections 294(b), 323, 324, 506(i) of IPC and Section 4 of TNPHW Act and 3(1)(r), 3(1)(s), 3(2)(va) of Schedule Castes and Schedule Tribes (Prevention of Atrocities) Act, 1989. Similarly, the first Petitioner gave a complaint against the De-facto complainant and the case was registered in Crime No.8 of 2024 dated 17.01.2024 for the offences punishable under Sections 294(b), 323, 324, 341, 506(ii) of IPC. Hence, it is the case and counter



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case and the Petitioners are seeking direction against the learned III Additional District and Sessions Judge (PCR Cases), Madurai to consider their bail application on the day of their surrender.

3. The learned Government Advocate (Criminal Side) appearing for the Respondents 1 and 2 would submit that the Petitioners were arrayed as Accused No.1 to 3. The petitioners are alleged to have abused the De-facto complainant by attracting the provisions of Schedule Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. He further submitted that the dispute between the Petitioners and the De-facto complainant is with regard to the pathway and the Petitioners are alleged to have attempted to put up electric fence for which the De-facto complainant made an objection.

4. Considering the submissions made by the learned Government Advocate (Criminal Side) and the learned Counsel for the Petitioners, this Court directs the Petitioners to surrender before the learned III Additional District and Sessions Judge (PCR Cases), Madurai 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.



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5. On such surrender by the Petitioners and on filing an application for bail, learned III Additional District and Sessions Judge (PCR Cases), Madurai, shall consider the bail application of the Petitioners 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.

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



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To

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1. III Additional District and Sessions Judge (PCR Cases),
Madurai.
2. The Deputy Superintendent of Police,
Usilampatti Taluk,
Madurai District.
3. The Inspector of Police,
Usilampatti Taluk Police Station,
Madurai 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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