



CrI.O.P.(MD) No.3575 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.03.2024

CORAM

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P (MD) No.3575 of 2024

Ulagamani,

... Petitioner

Vs

1. State represented through
The Deputy Superintendent Of Police,
Aruppukottai Sub Division,
Aruppukottai,
Virudhunagar District.

2. The Inspector of Police,
Aruppukottai Town Police Station,
Virudhunagar District.
Crime No. 221/2022.

3. S.Balasubramanian,

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the learned District and Sessions Judge, (Special court for Scheduled caste and Scheduled tribe (Prevention of Atrocities) Act cases (PCR court), Virudhunagar District at Srivilliputhur to consider the bail application of the petitioner on the same day of surrender in Crime No.221 of 2022, on the file of the second Respondent Police Station.



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For Petitioner : Mr.R.Karunanidhi
For R1 & R2 : Mr.M.Veeranthiran
Government Advocate (Crl. side)

ORDER

The learned Counsel for the Petitioner submitted that the Petitioner is arrayed as A2 in Crime No.221 of 2022, pending on the file of the Inspector of Police, Aruppukottai Town Police Station, Virudhunagar District and the Petitioner had filed this Criminal Original Petition seeking a direction against the learned District and Sessions Judge, (Special court for Scheduled caste and Scheduled tribe (Prevention of Atrocities) Act cases (PCR court), Virudhunagar District at Srivilliputhur, to accept the surrender of the Petitioner and consider her bail application in Crime No.221 of 2022, pending before the second Respondent.

2. The learned Government Advocate (Criminal Side) on instructions of the Respondents 1 and 2 submitted that the Petitioner's son was working as Assistant Professor in a College. He married one Ishwarya, who was also



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working as Lecturer. She belonged to Scheduled Caste community. It was an inter-caste marriage. After marriage, the said Ishwarya committed suicide. Based on that suicide, the case was registered in Crime No.221 of 2022, on the file of the Inspector of Police, Aruppukottai Town Police Station, Virudhunagar District, under Section 309 Indian Penal Code. Subsequently, the same was altered as Section 309 and Section 306 Indian Penal Code r/w Section 3(1)(r), 3(2)(va) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989. Further submission of the learned Government Advocate (Crl.Side) is that the Petitioner herein and her son were arrayed as A2 and A1 had already moved a similar Criminal Original Petition in Crl.O.P(MD)No.17484 of 2023 and the same was dismissed by the learned Judge of this Court on 05.10.2023.

3.By way of reply to the submission made by the learned Government Advocate (Crl.Side), the learned Counsel appearing for the Petitioner submits that subsequently, the Petitioner's son surrendered before the Court concerned and also the investigation having been completed, final report was also laid before the Court of the learned Sessions Judge, Special Court for Exclusive Trial Cases under the Scheduled Caste and Scheduled Tribe



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(Prevention of Atrocities) Act cases, Virudhunagar District and the same was taken on file as Spl.S.C.No.7 of 2024. Therefore, the Petitioner seeks a direction against the learned Sessions Judge, Special Court for Exclusive Trial Cases under the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act cases, Virudhunagar District, to consider the surrender of the Petitioner in Crime No.221 of 2022 and also consider the bail application filled on surrender by the Petitioner before the Court concerned.

4.The learned Government Advocate (Crl.Side) submits that there is no previous case pending against the Petitioner.

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 District and Sessions Judge, (Special court for Scheduled caste and Scheduled tribe (Prevention of Atrocities) Act cases (PCR court), Virudhunagar District at Srivilliputhur, 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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6. On such surrender by the Petitioner and on filing an application for bail, the learned District and Sessions Judge, (Special court for Scheduled caste and Scheduled tribe (Prevention of Atrocities) Act cases (PCR court), Virudhunagar District at Srivilliputhur, shall consider the bail application of the Petitioner, after issuing notice to the victim of crime/De-facto Complainant and after hearing the objections of the victim of the crime, shall pass appropriate orders as per law.

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

06.03.2024

NCC : Yes/No
Internet:Yes/No
Index:Yes/No

LR



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To

1. The District and Sessions Judge,
(Special court for Scheduled caste and
Scheduled tribe (Prevention of Atrocities) Act cases
(PCR court),
Virudhunagar District,
Srivilliputhur.

2. The Deputy Superintendent Of Police,
Aruppukottai Sub Division,
Aruppukottai,
Virudhunagar District.

3. The Inspector of Police,
Aruppukottai Town Police Station,
Virudhunagar District.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SATHI KUMAR SUKUMARA KURUP, J.

LR

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