



CrI.O.P.(MD) No.3892 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.03.2024

CORAM

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P (MD) No.3892 of 2024

Gowtham @ Prabhakaran

...Petitioner

VS

**1.The Deputy Superintendent of Police,
Melur Sub Division,
Madurai District.**

**2. The Inspector of Police
Melavalavu Police Station,
Madurai District.
Crime No.268 of 2023.**

3.Suresh

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying, to direct the learned III Additional District and Sessions Judge for the trial of PCR Act cases, Madurai, to consider the bail application of the petitioners in connection with the FIR in Crime No.268 of 2023 on the file of the second Respondent Police.

For Petitioner	: Mr.M.S.Jeyakarthik
For R1 & R2	: Mr.B.Thanga Aravindh Government Advocate (Crl.side)



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ORDER

The learned Counsel for the Petitioner submits that the Petitioner had filed this Criminal Original Petition seeking direction against the learned III Additional District and Sessions Judge for the trial of PCR Act cases, Madurai, to consider the Petitioner's bail application on the same day of surrender in Crime No.268 of 2023 on the file of the 2nd Respondent.

2. It is the contention of the learned Counsel for the Petitioner that the Petitioner is a college Student, he had been arrayed as unnamed accused. Earlier application filed by the Petition in Crl.O.P.(MD)No.21182 of 2023 was dismissed by this Court on the ground that he had previous case of similar in nature. Now, the previous case ended in acquittal and he had furnished the copy of the Judgment in Spl.S.C.No.238 of 2021 on the file of the III Additional District and Sessions Judge, Madurai, dated 26.10.2022.

3. The learned Government Advocate (Crl.side), on instructions of the Respondents 1 and 2, vehemently objects to the Petition stating that the Petitioner and other accused are alleged to have forcibly entered into the



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house of the defacto complainant and threatened him with deadly weapons.

The defacto complainant was injured and undergone treatment as inpatient for 10 days. Based on the complaint of the defacto complainant a case in Crime No.268 of 2023 was registered for the offences under Sections 147, 148, 452, 324 I.P.C and Sections 3(1)(r), 3(1)(s) and 3(1)(va) of the SC/ST (Prevention of Atrocities) Act, 1989.

4.Considering the submissions made by the learned Counsel for the Petitioner and the learned Government Advocate (Crl.side), this Criminal Original Petition is disposed of with the following conditions:-

i) The Petitioner is directed to surrender before the learned III Additional District and Sessions Judge for the trial of PCR Act 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.

ii) On such surrender by the Petitioner, the learned III Additional District and Sessions Judge for the trial of PCR Act cases, Madurai, shall consider the bail application of the Petitioner after issuing notice to the victim of crime/Complainant and hearing the objections of the victim of the



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crime and shall dispose of the bail application as per law. The discretion either dismissing or granting the bail application is exclusively discretion of the learned III Additional District and Sessions Judge for the trial of PCR Act cases, Madurai.

Internet:Yes./No
Index:Yes/No
LS

12.03.2024

To

- 1.The III Additional District and Sessions Judge
for the trial of PCR Act cases,
Madurai.
- 2.The Deputy Superintendent of Police,
Melur Sub Division,
Madurai District.
3. The Inspector of Police
Melavalavu 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.

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