



CrI.O.P.(MD) No.3978 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.03.2024

CORAM

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P (MD) No.3978 of 2024

Saravanan,

... Petitioner

Vs

1. The Deputy Superintendent Of Police,
Thirumangalam Sub Division,
Madurai District.

2. The Inspector of Police,
Koodakovil Police Station,
Madurai District.
Crime No. 17 of 2024.

3. Suntharaj,

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the learned III Additional District and Sessions Judge (PCR), Madurai to accept the surrender of the petitioner and consider their bail application on the same day on merits with regard to the Crime No. 17 of 2024 dated 09.02.2024 on the file Respondents Police.



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Crl.O.P.(MD) No.3978 of 2024

For Petitioner : Mr.S.Ayyanar Prem Kumar
For R1 & R2 : Mr.M.Veeranthiran
Government Advocate (Crl. side)

ORDER

The learned Counsel for the Petitioner submitted that the Petitioner is arraigned as A1 in Crime No.17 of 2024 pending on the file of the Inspector of Police, Koodakovil Police Station, Madurai and the Petitioner had filed this Criminal Original Petition seeking direction against the learned III Additional District and Sessions Judge (PCR), Madurai to accept the surrender of the Petitioner and consider his bail application in Crime No.17 of 2024, pending before the second Respondent.

2. The learned Government Advocate (Criminal Side) appearing for the Respondents 1 and 2 would submit that the Petitioner and other accused persons are alleged to have indulged in rioting and stole away the two-wheeler parked in front of the defacto complainant/third Respondent's house. When the third Respondent was sleeping outside his house keeping watch over his goats, he heard the barking noise of the dogs. He observed



Crl.O.P.(MD) No.3978 of 2024

that three or four persons were moving the two-wheeler parked outside the house. When they saw that the third Respondent had observed them, they came to him and attacked him with sticks and wooden log and also used caste name. Hearing the commotion, the wife of the defacto complainant came out of the house and questioned the assailants, for which, the assailants alleged to have threatened her and attacked her with stone. Hence, the case was registered in Crime No.17 of 2024 for the offences under Section 147, 294(b), 323, 427, 506(1), 379 and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 r/w Section 3(1)(r), 3(1)(s) and 3(2)(va) of SC/ST (Prevention of Atrocities) Amendment Act, 2015, based on the complaint of the third Respondent with the second Respondent. The learned Government Advocate (Crl.Side) further submit that the Petitioner herein has two previous cases, in which, one case is registered under Protection of Children from Sexual Offences Act and another one is pending trial registered under IPC offence.

3. 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 III Additional



CrI.O.P.(MD) No.3978 of 2024

District and Sessions Judge (PCR), 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.

4. On such surrender by the Petitioner and on filing an application for bail, the learned III Additional District and Sessions Judge (PCR), Madurai 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. If there is vehement objection, the discretion is strictly rest with the learned III Additional District and Session Judge (PCR) Madurai.

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

13.03.2024

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

LR

4/6



CrI.O.P.(MD) No.3978 of 2024

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To

1. The III Additional District and Sessions Judge (PCR), Madurai
2. The Deputy Superintendent Of Police,
Thirumangalam Sub Division,
Madurai District.
3. The Inspector of Police,
Koodakovil Police Station,
Madurai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.O.P.(MD) No.3978 of 2024

SATHI KUMAR SUKUMARA KURUP, J.

LR

CRL.O.P (MD) No.3978 of 2024

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