



Crl.O.P.(MD) No.358 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.02.2024

CORAM

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P (MD) No.358 of 2024

K.Santhikumar ...Petitioner /Accused No.11

Vs.

1.State rep. by

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

2.State rep. by

**The Inspector of Police
Othakadai Police Station,
Madurai District.**

(In Crime No.195/2023). ...Respondents 1 & 2 / Complainants

3.P.Thandabani ... 3rd Respondent / Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying, to direct the P.C.R. Court, Madurai, to consider the bail application on the surrender of the Petitioner in connection with case in Crime No.195 of 2023, pending investigation on the file of the second Respondent Police on merits on the same day.



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For Petitioner : Mr.R.Srinivasan

For R1 and R2 : Mr.M.Veeranathan
Government Advocate (Crl.side)

ORDER

The learned Counsel for the Petitioner submits that this Criminal Original Petition has been filed to direct the P.C.R Court, Madurai, to consider the Petitioner's bail application on the same day of surrender in Crime No.195 of 2023 on the file of the 2nd Respondent.

2. The learned Counsel for the Petitioner submits that the Petitioner is arrayed as Accused No.11, in Crime No.195 of 2023, pending on the file of the Inspector of Police, Othakadai Police Station, Madurai District. When the Petitioner moved bail before the III Additional District and Sessions Judge, conditions are insisted to appear before the Court regularly, while so, he moved a petition for relaxation of condition at that time, the prosecution objected, stating that the Petitioner had not complied with the condition for 10 days before moving Petition for relaxation. Therefore, his bail was cancelled. Now, he seeks to consider the bail on the surrender of the Petitioner in connection with Crime No.195 of 2023. It is



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the further contention of the Petitioner that the investigation had been completed and all the accused are on bail, except the Petitioner.

3. The learned Government Advocate (Crl.side), on instructions of the Respondents 1 and 2, submits that the Petitioner failed to comply with the condition, as insisted in the bail order, 21 days only he signed. Subsequently, he failed to appear, for which the bail is cancelled. Till date, the Petitioner is absconding.

4. Considering the submissions made by the learned Counsel for the Petitioner as well as the learned Government Advocate (Crl.side), the Petitioner is granted one opportunity to surrender before the learned III Additional District and Sessions Judge, PCR Court, Madurai. 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, PCR Court, 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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ii) On such surrender by the Petitioner, the learned III Additional District and Sessions Judge (PCR Court), Madurai, shall consider the bail application of the Petitioner and dispose of the same as per the provisions of SC/ST (Prevention of Atrocities) Act, 1989, after issuing notice to the victim of crime / defacto complainant and hearing the objections of the victim, regarding grant of bail for the second time. If the victim of the crime objects, the learned III Additional District and Sessions Judge (PCR Court), Madurai, shall pass appropriate orders.

Internet:Yes./No

21.02.2024

Index:Yes/No

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To

- 1.The III Additional District and Sessions Judge
PCR Court, Madurai.
- 2.The Deputy Superintendent of Police,
Umachikularm Sub Division, Madurai District.
- 3.The Inspector of Police
Othakadai Police Station,
Madurai District.



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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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