

**IN THE COURT OF III ADDITIONAL DISTRICT AND SESSIONS
JUDGE(PCR), MADURAI.**

PRESENT : Tr. A. Dhanasekaran. M.A.,M.B.A.,M.L.,

III Additional District Judge (PCR), Madurai.

Tuesday the 23 June 2020.

Crmp.No. 402 / 2020

CRIME NO. 256 / 2020

Ayyanar,

S/o Rajangam,

Ammapatti,

Peraiyur Taluk,

Madurai.

----- Petitioner / Accused

/ Vs /

State through the Inspector of Police,

Elumalai Police Station,

Madurai.(Crime No. **256/2020**)

----- Respondent / Complainant

ORDER

1. This bail application U/S439 is received from Advocate Thiru.S.Ayyappa Raja through e-mail on 19.06.2020. Objections called for from the Special Public Prosecutor and Defacto Complainant. Reply from Special Public Prosecutor Thiru. A. Kalyanasundaram and Police are received through Whatsapp on 22-06-2020.

2. The Petitioner / Accused side has stated that the allegations in the case are not true and false allegations were made against the accused and more over the accused is in custody from 29.04.2020 for a period of 52 days and hence prayed to release the accused on bail.

3. The prosecution side given reply stating that the investigation is still pending, Investigating agency field alteration report and thereby this court has no jurisdiction and hence the bail petition may be dismissed.

4. Both side considered. The case was first registered against the accused under Section 294(b),302, 506(I) IPC r/w 3(1)(r), 3(1)(s), 3(2)(va) of SC/ST (POA) Act 2015, pending investigation the investigation officer has filled alteration report thereby altered the offences U/s. 294(b),120(b),211 and 302 of IPC. So this special court has no jurisdiction and the petitioner has to move before proper court. For the aforesaid reason and the alleged offence is under section 302 IPC, this court is not inclined to release the accused on bail at this stage.

5. Therefore this bail application is dismissed.

/Sd/ A.Dhanasekaran,
III Addl. District & Sessions Judge (PCR),
Madurai.