

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.11.2016

CORAM

THE HON'BLE MR.JUSTICE P.N.PRAKASH

CrI.O.P. No.23748 of 2016

and CrI.M.P.Nos.11295 and 11392 of 2016

Vijaya

Petitioner

vs.

1.The State rep by
The Sub Inspector of Police
District Crime Branch
Cuddalore District.
(Cr.No.31/2010)

2.Senthil Kumar

Respondents

Criminal Original Petition filed under Section 482, Cr.P.C. to call for the records pertaining to the FIR in Cr.No.31 of 2010 on the file of the Sub Inspector of Police, District Crime Branch, Cuddalore District in C.C.No.12 of 2016 on the file of the Judicial Magistrate, Kattumannar Koil and quash the same.

For petitioner Mr.Siva Suyambu

For R1

Mr.C.Emalias

Additional Public Prosecutor

ORDER

When this Court was about to dismiss the case on merits, the learned counsel for the petitioner sought permission of this Court to withdraw this petition and he has also made an endorsement to that effect. Permission is granted. Accordingly, this petition is dismissed as withdrawn. Consequently, connected miscellaneous petitions are closed.

2. At this juncture, the learned counsel for the petitioner submitted that the petitioner has been granted anticipatory bail; she has retired from service and settled in Chennai and her presence before the trial Court may be dispensed with.

3. Learned Additional Public Prosecutor submitted that Non-bailable warrant is pending as against the petitioner.

4. If that is so, the petitioner is directed to surrender before the trial Court within two weeks from the date of receipt

of a copy of this order and on her surrender, she shall be released on bail on the same day, on furnishing a bond for a sum of Rs.10,000/- [Rupees ten thousand only] with two sureties to the like sum to the satisfaction of the Judicial Magistrate, Kattumannarkoil and thereafter, her presence before the trial Court shall be dispensed with on condition that, she shall be present for receiving the charge sheet, for answering the charge, at the time of questioning under Section 313, Cr.P.C. and at the time of passing judgment. She shall file an affidavit of undertaking before the Trial Court that she will not dispute her identity and that the counsel named by her in the affidavit will cross-examine the prosecution witnesses on the day they are examined-in-chief, as held by the Supreme Court in Vinod Kumar vs. State of Punjab, [2015 (1) MLJ (Cr1.) 288]. If the petitioner adopts any dilatory tactics, it is open to the Trial Court to insist upon her presence and remand her to custody as laid down by the Supreme Court in State of Uttar Pradesh vs. Shambhu Nath Singh [JT 2001 (4) SC 319]. If thereafter the petitioner absconds, the trial Court shall direct registration of an FIR against her u/s 229-A IPC.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

gms

To

1.The Sub Inspector of Police
District Crime Branch
Cuddalore District.

2.The Judicial Magistrate,
Kattumannar Koil.

3.do- Thro The Chief Judicial Magistrate
Cuddalore

4.The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.Siva Suyambu Advocate sr 62372

Cr1.O.P. No.23748 of 2016

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