

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.11.2016

CORAM

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

CrI.O.P. No.25101 of 2016
and CrI.M.P.Nos.12180 and 12181 of 2016

A.R.Senthilkumar

Petitioner/Accused

vs.

The State rep by
The Inspector of Police
Civil Supplies CID
Vellore, Vellore District.

Respondent/Respondent

Criminal Original Petition filed under Section 482, Cr.P.C. to call for the records in C.C.No.60 of 2012 on the file of the Judicial Magistrate Court-IV, Vellore and quash the same.

For petitioner Mr.I.Paul Noble Devakumar

For Respondent 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 Accordingly, this petition is dismissed as withdrawn.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 Additional Public Prosecutor submitted that the petitioner has not appeared before the trial Court and warrant is pending against him and that the police are taking steps to issue proclamation.

3. Per contra, learned counsel for the petitioner submitted that the petitioner obtained anticipatory bail in CrI.O.P.No.26299 of 2010 on 12.11.2010 in Cr.No.323 of 2009 from this Court and surrendered before the Judicial Magistrate No.IV, Vellore on 23.11.2010. In support of this submission, he submitted the certified copy of the bail bond. Be that as it may, the petitioner is directed to surrender before the Judicial Magistrate No.IV,Vellore within two weeks from the date of receipt of a copy of this order and on such surrender, he shall be released on bail on the same day, on he furnishing

a fresh bond for Rs.10,000/- with two sureties. Thereafter, the petitioner shall participate in the trial and 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 his presence and remand him 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 him u/s 229-A IPC.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

gms

To

1.The Judicial Magistrate Court-IV,
Vellore.

2.The Inspector of Police,
Civil Supplies CID,Vellore,
Vellore District.

3.The Public Prosecutor,
High Court, Madras.

सत्यमेव जयते

Cr1.O.P. No.25101 of 2016

SR(CO)

RVR 15/12/2016

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