

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 04.07.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.O.P.No.17153 of 2018

M.Gagan Bothra

... Petitioner

Vs.

State by

The Inspector of Police [L&O],
C-2 Elephant Gate Police Station,
Walltax Road,
Chennai-79.

... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C.,
seeking direction to the respondent to secure the custody of
the accused pertaining to Crime No.272 of 2018.

For Petitioner : Mr.M.Gagan Bothra, Party-in-person
For Respondent : Mr.C.Raghavan, GA

O R D E R

This Criminal Original Petition has been filed seeking
direction to the respondent to secure the custody of the accused
in Crime No.272 of 2018.

2.Heard the petitioner/party-in-person and the learned
Government Advocate appearing for the respondent and perused the
materials placed on record.

3.It is the case of the petitioner that the accused was
granted anticipatory bail in Crl.O.P.No.13651 of 2018 on
23.05.2018, on condition that the accused should surrender
before the VII Metropolitan Magistrate, George Town, Chennai,
within 15 days. It is the assertion of the petitioner that the
accused did not surrender before the learned Magistrate within
15 days and therefore, the anticipatory bail that was granted to
the accused has lapsed and the accused should be arrested.

4.The Supreme Court in M.C.Abraham Vs State of Maharashtra
reported in 2003[2] SCC 649, has clearly stated that even if the
anticipatory bail application is dismissed, it does not mean
that the Police should have arrest the accused. To arrest or

not to arrest is a decision that has to be taken by the Police as held by the Supreme Court in Joginder Kumar's case. Hence, this petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

gya

To

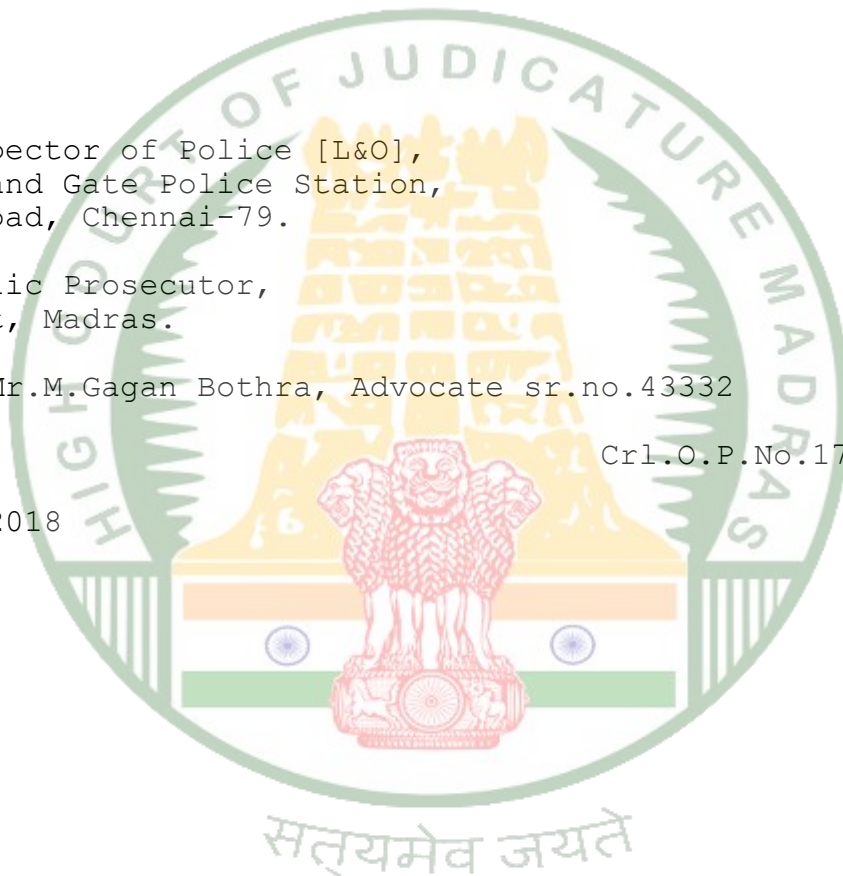
1.The Inspector of Police [L&O],
C-2 Elephant Gate Police Station,
Walltax Road, Chennai-79.

2.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.M.Gagan Bothra, Advocate sr.no.43332

CrI.O.P.No.17153 of 2018

nr 18/07/2018



WEB COPY