



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 02.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P.(MD)No.10592 of 2018

State by
The Inspector of Police,
Karuppayoorani Police Station,
Madurai District,
Crime No.134 of 2017 ... Petitioner/Respondent/Complainant

-Vs-

1.Christiana
2.Boongodi ... Respondents/Petitioners/Accused No.1 and 2

PRAYER: Criminal Original petition - filed under Section 438 of Code of Criminal Procedure, to cancel the anticipatory bail granted to the Respondents/Petitioners/Accused 1.Christiana and 2.Boongodi in Crl.M.P.No.2250 of 2018 dated 27.04.2018 on the file of the Principal Sessions Judge i/c., Madurai.

For Petitioner : Mr.K.K.Ramakrishnan
Additional Public Prosecutor
For Respondents 1 & 2 : Mr.M.Murugesan

ORDER

The accused in this case are Christiana and Boongodi in Crime No.134 of 2018, registered in Karuppayoorani Police Station for the offence under Sections 420, 406 and 506(i) IPC. The said accused persons had filed Crl.O.P.(MD)No.4967 of 2017 before this Court. Thereafter, the matter was dismissed as withdrawn on 11.01.2018. Thereafter, they filed another Crl.O.P.(MD)No.1160 of 2018 and the matter was also dismissed as withdrawn on 09.02.2018.

2.A learned Judge of this Court, by order dated 11.11.2008 in Crl.O.P.(MD)No.26819 of 2008, had held that once anticipatory bail petition is filed before the High Court, even if it is dismissed as "withdrawn" or "not pressed", the second anticipatory bail is not maintainable before the Sessions Court. In fact a direction was also issued to the Sessions Court not to entertain any application for anticipatory bail if the applicant had already approached the High Court.

3.In view of the above, anticipatory bail granted to the accused in Crl.M.P.(MD)No.2250 of 2018 is patently illegal and the submission of the learned Additional Public Prosecutor is well founded.



4.Mr.M.Murugesan, learned counsel, appearing for the accused seeks time to file his response.

5.This Court is of the view that the legal position is very clear that no adjournment is required. Hence, accepting the submission of the learned Additional Public Prosecutor, the order impugned in this petition is set aside and this Criminal Original Petition is allowed.

Sd/-
Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar

To

1.The Principal Sessions Judge i/c., Madurai.

2.The Judicial Magistrate No.VI, Madurai.

3.The Inspector of Police,
Karuppayoorani Police Station,
Madurai District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to M/S.M.Murugesan, Advocate SR.No. 11912

Cr1.O.P. (MD) No.10592 of 2018
02.07.2018

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JM/PN/SAR 2/10.07.2018/2P/6C