

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eighteenth day of December Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL MISCELLANEOUS PETITION No.17330 of 2019

IN CRL OP.15523/2019

NAVEETH AHAMED

[PETITIONER]

Vs

STATE REP BY,
INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KILPAUK, CHENNAI-600 010.
CR.NO. 1 OF 2019.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to expunge the observations and findings made in paragraphs 9, 10 and 11 of the order passed in Crl.OP.No.15523/2019 dated 08/07/2019 and pass such further orders or other orders as deemed fit and proper in this circumstances.

Order : This petition coming on for orders upon perusing the petition and the filed in support thereof and upon hearing the arguments of M/S.P.SRINIVAS ADVOCATE FOR M/S. G.DAISY JOHN, Advocate for the petitioner and of MR.ARULMOZHIMARAN, GOVERNMENT ADVOCATE [CRL.SIDE] on behalf of the Respondent and M/S.SUDHA RAMALINGAM, Advocate for the Intervenor the court made the following order:-

This petition has been filed to expunge the observations and findings made in paragraphs 9, 10 and 11 of the order passed in Crl.O.P.No.15523 of 2019 dated 08.07.2019.

2.The learned counsel for the petitioner submitted that the petitioner earlier moved anticipatory bail petition before this Court in respect of Crime No.1 of 2019 on the file of the respondent, and this Court by an order dated 08.07.2019, after considering the facts and circumstances of the case dismissed the petition making observations in detail. He further submits that thereafter the petitioner was arrested on 24.09.2019 and remanded to judicial custody on the same date. Now the investigation has been completed and also DNA was completed on 03.10.2019 itself and he is incarcerating imprisonment. However, the above findings of this Court based on false representations, evidence and statements by Vasavi and her mother before this Court in paragraphs 9, 10 and 11 of the order dated Crl.O.P.15523 of 2019 has caused great prejudice and also trauma and mental agony to the petitioner. Further the same has been impediment in getting bail before the court concerned as well as

before the trial court. Hence, he has requested this Court to expunge the observations and findings made in paragraphs 9, 10 and 11 of the order passed in Crl.O.P.No.15523 of 2019 dated 08.07.2019.

3.Though this Court is not inclined to expunge the observations made in paragraphs 9 to 11, considering the request made by the learned counsel for the petitioner, it is made clear that the observations made by this Court in paragraphs 9 to 11 in Crl.O.P.15523 of 2019 dated 08.07.2019 is only to dismiss the anticipatory bail petition filed by the petitioner. Now, the petitioner is arrested and remanded to judicial custody. Therefore, the petitioner can very well seek bail before the court concerned and it is upto the court concerned to decide the bail petition on merits in accordance with law. Therefore, the observations made by this Court are not impediment for the court concerned to consider the bail application or for the trial court. It is also made clear that the court concerned as well as the trial court, while considering the bail petition or during trial, shall pass orders only on merits and in accordance with law taking into account the nature of the offence of gravity and seriousness.

4.With the above observations, this criminal original petition is disposed of.

-sd/-

18/12/2019

This order, on being produced, be punctually observed and carried into execution by all concerned
TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KILPAUK, CHENNAI-600 010.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+3 C.C. to M/S. G.DAISY JOHN Advocate on payment of necessary charges SR.No.26089

Order

in
CRL MP.17330/2019

in
CRL OP.15523/2019

Date :18/12/2019