

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.12.2019

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CRIMINAL REVISION NO.1508 OF 2019

Manigandan  
S/o.Perumal

.. Petitioner

versus

State represented by  
The Sub-Inspector of Police,  
Veraiyoor Police Station,  
Tiruvannamalai District.  
Crime No.322/2019

.. Respondent

Prayer: Criminal Revision filed u/s.397 r/w 401 Cr.P.C. praying to call for the records in CrI.M.P.No.1061 of 2019 dated 25.11.2019 on the file of Fast Track Mahila Court, Tiruvannamalai.

For Petitioner : Mr.L.Mahendran  
For Respondent : Mr.T.Shunmugarajeswaran  
Government Advocate  
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O R D E R

Petitioner has filed the present revision seeking to set aside the order passed in CrI.M.P.No.1061 of 2019 dated 25.11.2019 on the file of Fast Track Mahila Court, Tiruvannamalai.

2. Petitioner is shown as an accused in Crime No.322 of 2019 registered on the file of respondent for offences u/s.366 (A) IPC @ 366(A) IPC, Section 3(a), 4, 17 of POCSO Act, 2012 and Sections 9 and 11 of Prohibition of Child Marriage Restraint Act, 2006. The petitioner was arrested on 04.08.2019 and contending that the final report has not been filed within 90 days, he applied for default bail u/s.167(2) Cr.P.C. The said petition was dismissed by the learned trial Judge on the ground that the petitioner has been detained under the Tamil Act 14 of 1982.

3. I am of the view that the detention of the petitioner under the preventive detention law cannot come in the way of granting bail u/s.167 Cr.P.C. Even if default bail is granted, the petitioner cannot come out unless his detention order is quashed. Therefore, the order impugned in this revision is set aside and the Criminal Revision Case shall stand allowed. The trial Court will pass order regarding the sureties to be offered by the petitioner.

Sd/-  
Assistant Registrar (DR-CS) (VO)

//True Copy//

Sub Assistant Registrar

sri/gm

To

1. The Sub-Inspector of Police,  
Veraiyoor Police Station,  
Tiruvannamalai District.
2. The Fast Track Mahila Court,  
Tiruvannamalai.
3. The Public Prosecutor,  
High Court, Madras.

+1cc to Mr.L.Mahendran, Advocate, in Sr.No.196 (02.01.2020)

Criminal Revision No.1508 of 2019

GP (CO)  
CB (02/01/2020)

सत्यमेव जयते

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