



WEB COPY

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.04.2019

CORAM

THE HONOURABLE Mr.JUSTICE M.DHANDAPANI

Cr1.O.P.No.5540 of 2019

Petchimuthu @ Mookandi

.. Petitioner

Vs

1. The Superintendent of Police,
Office of the Superintendent of Police,
Tirunelveli District.
2. The Revenue Divisional Officer,
Office of the Revenue Divisional Office,
Ambasamuthiram,
Tirunelveli District.
3. The Deputy Superintendent of Police,
Ambasamuthiram Police Station,
Tirunelveli District.
4. The Inspector of Police,
Ambasamuthiram Police Station,
Tirunelveli District.

.. Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the respondents for not to harass and compel the petitioner to execute bond without following mandatory procedure under Chapter VIII of the Criminal Procedure Code.

For Petitioner	: Mr.R.Alaglumani
For Respondents	: Mr.K.Suyambulinga Bharathi Government Advocate (Cr1.Side)

ORDER

This petition has been filed to direct the respondents not to harass and compel the petitioner to execute bond without following mandatory procedure under Chapter VIII of the Criminal Procedure Code.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Cr1.Side) for the respondents and perused the materials placed on record.



3. When the matter is taken up for hearing, the learned Government Advocate (Crl.Side) would submit that this petitioner is an accused in Crime No.99 of 2019 for the offence under Section 107 of Cr.P.C. He would further submit that for the purpose of security for keeping peace in the locality under Section 107 of Cr.P.C., the Executive Magistrate can call the accused for execution of bond.

4. Under such circumstance, once a regular crime case has been registered, the question of 'not to harass' will not arise, because the expression 'harassment' is so subjective that it cannot be encapsulated in an objective criterion. This Court has dealt with this aspect at length and passed a detailed order in the case of Dorand and others Vs the Superintendent of Police, Nagercoil, Kanyakumari District and another in Crl.O.P(MD)No.1727 of 2016 decided on 01.02.2016. However, the Executive Magistrate can call the accused for execution of bond for the purpose of keeping peace in the locality under Section 107 of Cr.P.C.

5. Hence, this petition is dismissed.

Sd/-
Assistant Registrar

/TRUE COPY/

Sub Assistant Registrar(CS)

To

1. The Superintendent of Police,
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Tirunelveli District.
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Office of the Revenue Divisional Office,
Ambasamuthiram,
Tirunelveli District.
3. The Deputy Superintendent of Police,
Ambasamuthiram Police Station,
Tirunelveli District.
4. The Inspector of Police,
Ambasamuthiram Police Station,
Tirunelveli District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P.No.5540 of 2019

DS(CS):07/05/2019/2P/7C