



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/07/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP (MD) . No.10324 of 2019

1.Murugavel
2.Santhakumar
3.Saravanan
4.Muruthaiya

... Petitioners/Accused
No.1,2,6 and 7

Vs

The State Rep by its
The Inspector of Police,
Sikkal Police Station,
Ramanathapuram District.
Crime No.57/2019

... Respondent/Complainant

For Petitioners : M/s.M.S.Jeyakarthik,
Advocate.

For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

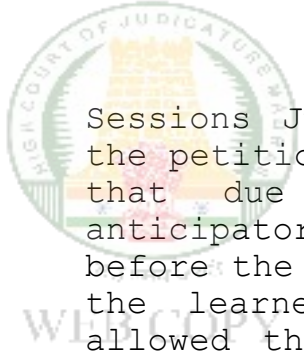
For Anticipatory Bail in Crime no.57 of 2019 on the file of the Respondent police.

ORDER:

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 379 of IPC and Section 21(1) of Mines and Minerals [Development & Regulation] Act, 1957, in Crime No.57 of 2019, seek anticipatory bail.

2. Heard both sides.

3. The learned counsel for the petitioners has submitted that already the petitioners have moved anticipatory bail in Crl.M.P.No.1800 of 2019 before the Principal District and Sessions Judge, Ramanathapuram and the learned Principal District and



Sessions Judge, Ramanathapuram, also granted anticipatory bail to the petitioners by the order dated 02.07.2019. He further submitted that due to lack of communications, inadvertently, second anticipatory bail application in Crl.M.P.No.1859 of 2019, was filed before the Principal District and Sessions Judge, Ramanathapuram and the learned Principal District and Sessions Judge, also order allowed the said application by the order dated 04.07.2019. He further submitted that in pursuance of the order passed by the learned Principal District and Sessions Judge, Ramanathapuram, Crl.M.P.No.1859 of 2019, the petitioners surrendered before the Judicial Magistrate of Kadaladi, on 06.07.2019 and also filed sureties memo with a request to accept the sureties and permit the petitioners to execute the bond and at that time, the learned Judicial Magistrate has pointed out that the petitioners got orders in two Crl.M.Ps, and hence he returned the said memo. He further submitted that the petitioners have not committed any offence and therefore, he prayed to grant anticipatory bail to the petitioners and also produced xerox copies of the orders passed by the learned Principal District and Sessions Judge, Ramanathapuram in Crl.M.P.Nos.1800 and 1859 of 2019 and also a xerox copy of the order passed on the memo by the learned Judicial Magistrate, Kadaladi.

4.A perusal of the order passed by the Principal District and Sessions Judge, Ramanathapuram, in Crl.M.P.Nos.1800 of 2019, shows that the learned Principal District and Sessions Judge, Ramanathapuram, has granted anticipatory bail to the petitioners on 02.07.2019 and thereafter, these petitioners filed another Crl.M.P.No.1859 of 2019, seeking anticipatory bail before the same Sessions Judge. In the said petition, apart from these petitioners one more petitioner namely, Velmurugan, also has been added as a petitioner. The learned Principal District and Sessions Judge, Ramanathapuram, has allowed the said application also on 04.07.2019. The conduct of the petitioners cannot be appreciated. If the second application has been filed due to lack of communication, after knowing the said fact they should have brought to the knowledge of the Sessions Judge and request the Sessions Judge to cancel the second order instead of that they should not approach this Court.

5.Hence, the petitioners are directed to approach the learned Principal District and Sessions Judge, Ramanathapuram, and get appropriate order.

6.With the aforesaid observations, this Criminal Original Petition is disposed of.

sd/-
29/07/2019

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1. THE PRINCIPAL DISTRICT AND SESSIONS JUDGE,
RAMANATHAPURAM.

2. THE INSPECTOR OF POLICE,
SIKKAL POLICE STATION,
RAMANATHAPURAM DISTRICT.

3. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.M.S.JEYAKARTHIK Advocate SR.No.12498

ORDER

IN

CRL OP (MD) No.10324 of 2019

Date :29/07/2019

ls

TK/PN/SAR.4/30.07.2019/3P/5C