



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/09/2019

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PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP (MD) . No.12462 of 2019

Suthan @ Jabadhas, ... Petitioner/Accused No.1

Vs

State rep by
The Inspector of Police,
Arumanai Police Station,
Kanyakumari District,
Cr No. 57/2008. ... Respondent/Complainant

For Petitioner : M/s. S.R. Anbarasu,
Advocate.

For Respondent : A.Robinson,
Government Advocate (Crl.Side)

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

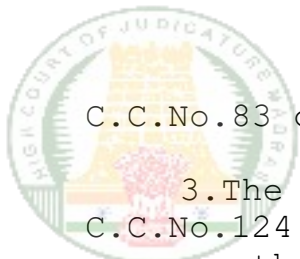
PRAYER :-

For Anticipatory bail in Crime No.57/2008 on the file of the respondent police .

ORDER : The Court made the following order :-

The petitioner herein was one of the accused in Crime No.57 of 2008, on the file of Arumanai Police Station, Kanyakumari District for the offences under Sections 147, 341, 294(b), 323, 325 and 506 (ii) of I.P.C., seeks anticipatory bail.

2.The learned Government Advocate (Crl. Side) submitted that the final report was filed and cognizance of the offences was taken in C.C.No.83 of 2009, on the file of the learned Judicial Magistrate No.I, Kuzhidurai. On account of the abscondance of the petitioner, the case was split up and the petitioner was shown as sole accused in C.C.No.124 of 2018. The trial has however progressed in



C.C.No.83 of 2009.

3.The petitioner's counsel on instructions submitted that C.C.No.124 of 2018 can now be amalgamated with C.C.No.83 of 2009. Of course, the witnesses who have already been cross examined will have to be recalled so that the petitioner herein will have the right of cross examination. The petitioner's counsel further gives an undertaking that the petitioner will not raise any technical objection, following the clubbing and amalgamation of C.C.No.124 of 2018 with C.C.No.83 of 2009. This Court passes this order, in order to save Court's time. The witnesses will have to be recalled and given an opportunity to identify the petitioner also in the Court. The petitioner shall appear in person on each hearing date henceforth.

4.Since the petitioner is willing to cooperate with the Court for speedy trial of the case, this Court is showing indulgence and permits the petitioner to surrender before the Court below on the next hearing date i.e., 24.10.2019. On his filing an application for recall of warrant, the Court below shall recall the warrant on the same day. If the petitioner commits breach of the undertaking now given before this Court, the benefit of this order shall stand automatically vacated.

5.With this direction, this criminal original petition stands allowed.

sd/-
06/09/2019

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

TO

1. Judicial Magistrate No.I, Kuzhidurai.
2. Do-Through The Chief Judicial Magistrate,
Kanyakumari District.
3. The Inspector of Police,
Arumanai Police Station,
Kanyakumari District.



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

+1CC TO MR.S.R.ANBARASU, Advocate Sr. No. 15142

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ORDER IN
CRL OP (MD) No.12462 of 2019
Date : 06/09/2019

TR/PN/SAR-I (16.09.2019) 3P 6C