

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.08.2020

CORAM :

THE HON'BLE MR. JUSTICE P.N. PRAKASH

Crl.O.P. Nos.4566 & 4567 of 2018

N. Murali Krishnan

Petitioner in both Ops

vs.

- 1 State by:
the Superintendent of Police
Coimbatore District (Rural)
- 2 State by:
the Inspector of Police
Mahalingapuram Police Station
Pollachi Respondents in both OPs

Prayer in Crl.O.P. No.4566 of 2018:

Criminal Original Petition filed under Section 482 Cr.P.C. seeking a direction to the respondents to execute the bailable warrant issued against the accused in C.C. No.4162 of 2013 pending on the file of the Metropolitan Magistrate (III Fast Track Court), Saidapet, Chennai.

Prayer in Crl.O.P. No.4567 of 2018:

Criminal Original Petition filed under Section 482 Cr.P.C. seeking a direction to the respondents to execute the bailable warrant issued against the accused in C.C. No.4163 of 2013 pending on the file of the Metropolitan Magistrate (III Fast Track Court), Saidapet, Chennai.

For petitioner in
both OPs
For respondents in
both OPs

Mr. A. Nagarajan
Mrs. P. Kritika Kamal
Government Advocate (Crl. Side)

COMMON ORDER

Murali Krishnan, the petitioner herein, initiated two prosecutions in C.C. Nos.4162 and 4163 of 2013 under Section 138 of the Negotiable Instruments Act, 1881, in the Court of the Metropolitan Magistrate (Fast Track Court No.III), Saidapet, Chennai against Srihari Manoj Kumar. The trial Court took cognizance of the offence and issued process to Srihari Manoj Kumar. Since Srihari Manoj Kumar did not appear before

the trial Court, a bailable warrant was issued for securing him. Since the police had failed to execute the bailable warrant, Murali Krishnan has preferred the instant criminal original petitions seeking a direction to the respondents to execute the bailable warrants issued against Srihari Manoj Kumar in C.C.Nos.4162 and 4163 of 2013, pending on the file of the Metropolitan Magistrate (III Fast Track Court), Saidapet, Chennai.

2 On the directions of this Court, Mr. M. Shanmugamoorthy, Sub Inspector of Police, Mahalingapuram Police Station, Pollachi, Coimbatore District, brought Srihari Manoj Kumar to the police station. This Court spoke to Srihari Manojkumar via video call and informed him about the prosecutions against him and also about the pendency of the bailable warrants.

3 Mr. A. Nagarajan, learned counsel for Murali Krishnan submitted that C.C. Nos.4162 and 4163 of 2013 have been posted to 08.01.2021.

4 In view of the above, this Court directs Srihari Manojkumar (Mobile No.99948 21111) to surrender before the Metropolitan Magistrate (Fast Track Court No.III), Saidapet, Chennai, on 21.09.2020 at 10.30 a.m. On his surrender, the said Metropolitan Magistrate shall recall the two bailable warrants. Srihari Manojkumar shall file an application in each case under Section 436 Cr.P.C. seeking bail and the Magistrate is directed to release him on bail on he executing a bond for Rs.10,000/- with two common sureties (of whom, one shall be a blood relative) each for a like sum, to the satisfaction of the said Metropolitan Magistrate Court. Srihari Manoj Kumar and the sureties shall affix their photograph and left thumb impression in the surety bonds and the Metropolitan Magistrate may obtain a copy of their Aadhaar cards or Bank pass books to ensure their identity. If, thereafter, Srihari Manoj Kumar absconds, a fresh FIR can be registered against him under Section 229-A IPC.

5 Mr. M. Shanmugamoorthy, Sub Inspector of Police, Mahalingapuram Police Station, Pollachi, Coimbatore District, shall serve a copy of this order on Srihari Manoj Kumar.

The criminal original petitions stand disposed of accordingly.

Sd/-

Assistant Registrar(CS-VI)

//True copy//

Sub Assistant Registrar

To

- 1 The Superintendent of Police
Coimbatore District (Rural)
- 2 The Inspector of Police
Mahalingapuram Police Station
Pollachi
- 3 The Metropolitan Magistrate
Fast Track Court No.III
Saidapet
Chennai
- 4 The Public Prosecutor
High Court, Madras
5. Mr.M.Shanmuga Murthy,
Sub Inspector of Police,
Mahalingapuram Police Station,
Pollachi, Coimbatore District.

With a direction to serve a copy of the order for
Mr.Sriharimanjkumar

+1cc to Mr.K.R.Ramesh Kumar, Advocate SR.No.28712

Cr1.O.P. Nos.4566 & 4567 of 2018

PP (CO)
GMY (04/09/2020)

सत्यमेव जयते

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