

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.09.2020

CORAM :

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P.No.13576 of 2020

1.Jayapal
2.Amsaraj

... Petitioners

Vs.

State, rep. By the
Inspector of Police
Thiruvankadu Police Station,
Nagapattinam District.
(Crime No.319 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioners on bail in the event of their arrest in connection with Crime Nos.319 of 2020 pending on the file of the respondent police.

For Petitioner : Mr.V.Sakkarapani

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

When the matter was taken up for hearing on 16.09.2020, it was submitted by learned Additional Public Prosecutor that while the petition for anticipatory bail was pending before this Court, the petitioners suppressing the fact of pendency before this Court, have approached the District and Sessions Court, Nagapattinam and when the matter had come up before the Sessions Court, despite objection being made by the respondent, the learned District and Sessions Judge, Nagapattinam, had granted anticipatory bail to the accused.

2. Based on the submissions made by the learned Additional Public Prosecutor, this Court had called for explanation from the learned District and Sessions Judge, Nagapattinam and posted the matter to 23.09.2020.

3. When the matter is taken up today (23.09.2020), the learned District and Sessions Judge, Nagapattinam, appeared before this Court through video conferencing. This Court enquired him under what circumstances, the anticipatory bail was granted by him when the petition was pending here. The learned District and Sessions Judge, Nagapattinam, submitted that the petitioners had earlier filed two applications for anticipatory bail vide C.M.P.Nos.2030 of 2020 and 2240 of 2020 and the same were dismissed by orders dated 03.08.2020 and 01.09.2020 respectively. Thereafter, the petitioners had filed a third application in C.M.P.No.2352 of 2020. He further submitted that at the time of hearing, the respondent had not brought to his notice about the pendency of the application for anticipatory bail before the Hon'ble High Court and thereby, taking into consideration the date of occurrence, he had granted anticipatory bail to the petitioners. He further submitted that though the written instruction was given to him, there was no mention about the pendency of the anticipatory bail application before the Hon'ble High Court. He would further submit that if the pendency of the application before the Hon'ble High Court had been brought to his notice, he would not have granted anticipatory bail to the petitioners.

3. The explanation of the learned District and Sessions Judge, Nagapattinam, is accepted.

4. The learned Counsel for the petitioners also sought permission of this Court to withdraw this petition.

5. In view of the above and accepting the explanation offered by the learned District and Sessions Judge, Nagapattinam, this Criminal Original Petition stands closed as withdrawn.

-sd/-

23/09/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
SIRKALI.

2 THE DISTRICT AND SESSIONS JUDGE,
NAGAPATTINAM.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

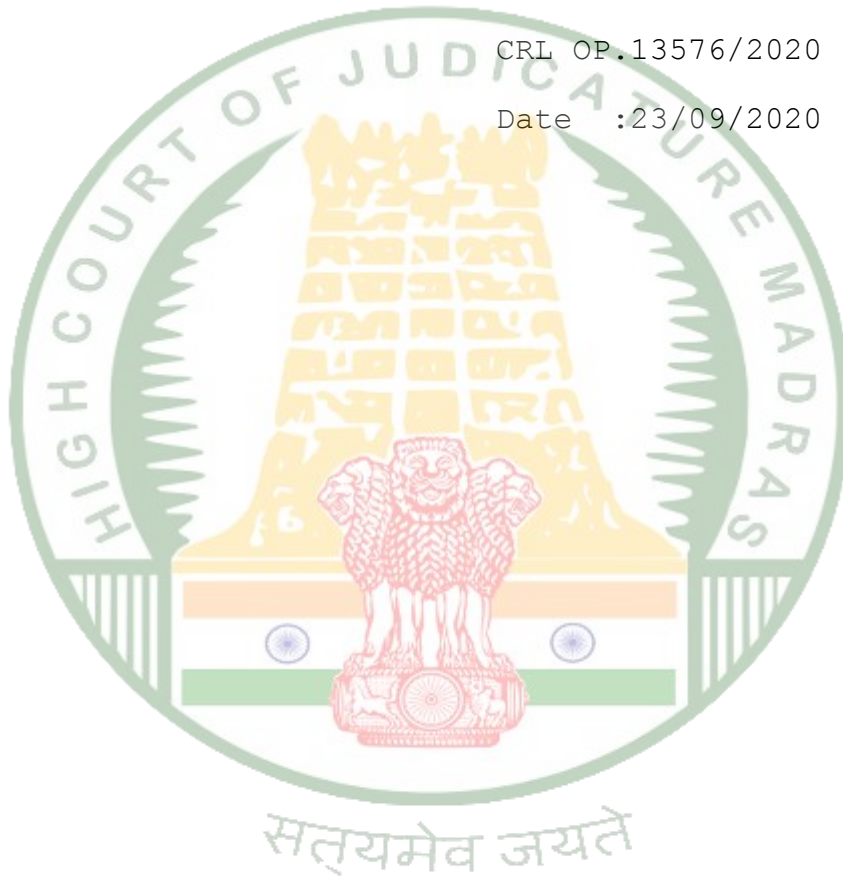
4 THE INSPECTOR OF POLICE,
THIRUVENKADU POLICE STATION,
NAGAPATTINAM DISTRICT.

CC to M/S. V.SAKKARAPANI Advocate on payment of necessary charges

CRL OP.13576/2020

Date :23/09/2020

cs 30/09/2020



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