



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.01.2020

CORAM:

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

Crl.O.P.(MD)No.721 of 2020

Alagammal

... Petitioner

Vs.

1. The Inspector of Police
Dindigul Town North Police Station
Dindigul

.... 1st Respondent/Complainant

2. P. Karuppiah
3. G.Annalakshmi
4.V.Govindan
5. G.Ajith
6. Vijayalakshmi
7. Bharath

...Respondents / Accused

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to direct the learned Judicial Magistrate to take the impugned petition in R.No.19656/2019 D.NO.20745/19 on file and to take appropriate action against the Respondents 2 to 7 /accused as per the order passed by this Honourable Court in Crl.O.P.(MD) NO.192 of 2019 date 08.01.2019 in accordance with law within the period stipulated by this Court.

For Petitioner : Mr.Babu Rajendran

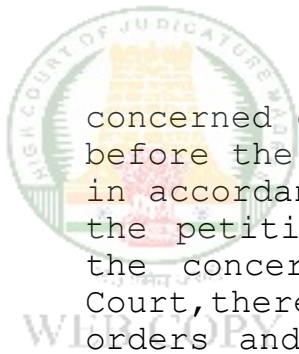
For Respondents : Mr.S.Chandrasekar

No.1 Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to direct the learned Judicial Magistrate to take the impugned petition in R.No.19656/2019 D.NO.20745/19 on file and to take appropriate action against the Respondents 2 to 7 /accused as per the order passed by this Honourable Court in Crl.O.P.(MD) NO.192 of 2019 date 08.01.2019 in accordance with law within the period stipulated by this Court.

2. The petitioner is the defacto complainant. It is the case of the defacto complainant that the accused/respondents 2 to 7 are accused in Crime No.1090 of 2018 and they have approached this Court for the relief of anticipatory bail and this Court by an order dated 08.01.2019 in Crl.O.P(MD) No. 192 of 2019 granted anticipatory bail to the respondents 2 to 7 on condition that if the petitioners fails to surrender before the said Magistrate within a period of fifteen days, this order shall stand automatically cancelled and other conditions were also imposed. Further on breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**. It is the further contention of the petitioner that the respondent/accused did not surrender before the



concerned court and thereby the petitioner had filed this petition before the trial court to take action against the respondents 2 to 7 in accordance with law. However the learned Magistrate has returned the petition stating that the accused have not surrendered before the concerned Court, pursuant to the orders passed by the High Court, thereby the learned Magistrate has not passed any further orders and returned the petition. Hence, the petitioner has filed this petition, challenging the order of returning the petition.

3. The learned Additional Public Prosecutor would submit that the respondents 2 to 7/accused have not surrendered before the court. Further the respondent police have completed investigation and also filed final report against the accused for the offences under Sections 294(b) and 427 of IPC showing them as absconding accused and the final report is not yet taken on file.

4. I have gone through the order of return passed by the learned Magistrate .

5. Though the respondents 2 to 7/accused have been granted anticipatory bail, they have not surrendered before the concerned Court. Further condition will come into play only if the respondents 2 to 7 surrendered before the Court. Even this Court while granting anticipatory bail stated that if the petitioners fails to surrender before the concerned court within a period of 15 days, the order shall stand automatically cancelled. Hence there is no error in the order passed by the learned Magistrate.

6. In view of the same, the Criminal Original Petition stands dismissed. Further the learned Magistrate is directed to take steps to secure the accused persons in accordance with law.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To:

1. The Judicial Magistrate No.II, Dindigul.
 2. The Chief Judicial Magistrate, Dindigul.
 3. The Inspector of Police,
Dindigul Town North Police Station, Dindigul
 4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1 CC to M/s.BABU RAJENDRAN, Advocate (SR-2162[F]

Crl.O.P.(MD)No.721 of 2020

21.01.2020