



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Nineteenth day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.6068 of 2020

KARTHIKEYAN @ KARTHIK

[PETITIONER / ACCUSED]

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
NILGIRIS,
NILGIRIS DISTRICT.
CRIME NO.08 OF 2019.

[RESPONDENT]

For Petitioner : M/S.E.KANNADASAN Advocate

For Respondent : MR.S.KARTHIKEYAN, ADDITIONAL PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable u/s 420 and 34 of IPC in Crime No. 8 of 2019, seeks anticipatory bail.

2. This court, earlier, by order dated 21.01.2021, granted anticipatory bail to the petitioner on condition that he should deposit a sum of Rs.10,00,000/- the credit of the crime number concerned besides furnishing usual surety bonds. Today, this matter has been listed under the caption "**For Reporting Compliance**".

3. When the matter is taken up for hearing, the learned counsel for the petitioner submitted that the said petition seeking anticipatory bail was filed on 11.03.2020 and the same was adjourned from time to time. While so, the petitioner was arrested and remanded to judicial custody by the respondent police in November 2020 and later on, released on bail on the orders of the learned jurisdictional Magistrate. The above fact was not made known to the learned counsel representing the petitioner before this court and therefore, when the petition for anticipatory bail came up for hearing on 21.01.2021, the learned counsel had argued the matter and the order was also passed by this court on merits.



4. The learned Additional Public Prosecutor has not disputed the above factual position.

5. Considering the above submissions, more particularly, the fact that, pending this original petition, though the petitioner was arrested and remanded to judicial custody and later on released on bail, that fact was not brought to the notice of this court and therefore, after having considered the case on merits, this court had granted anticipatory bail. When the petitioner was already arrested and remanded to judicial custody and later on released on bail, the order of this court cannot be given effect to and therefore, this court is inclined to recall the order dated 21.01.2021 granting anticipatory bail.

6. Accordingly, the order dated 21.01.2021 passed in CrI.O.P.No.6068 of 2020 is recalled and the criminal original petition stands dismissed as infructuous.

-sd/-
19/03/2021

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 INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
NILGIRIS,
NILGIRIS DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.E.KANNADASAN Advocate on payment of necessary charges

CRL OP.6068/2020

Date :19/03/2021

TA-20/04/2021