



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2021

CORAM:

WEB COPY

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.23191 of 2021

P.Selvan Kumar

...Petitioner

Versus

The District Superintendent of Police
Tirpur District
Tamil Nadu.

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondent to accept bail from the petitioner under the First Proviso to Section 81 Cr.P.C., in satisfaction of the warrant dated 29th September 2021 for bailable offence of Negotiable Instruments Act, 1881, in SC NIA/100143/2016 issued by the Judicial Magistrate, First Class, Bhikangaon District, Mandaleshwar, Madhya Pradesh.

For Petitioner : Mr.G.R.Hari

For Respondent : Mr.Raj Thilak

Additional Public Prosecutor

O R D E R

This petition has been filed to direct the respondent to accept bail from the petitioner under the First Proviso to Section 81 Cr.P.C., in satisfaction of the warrant dated 29th September 2021 for bailable offence of Negotiable Instruments Act, 1881, in SC NIA/100143/2016 issued by the Judicial Magistrate, First Class, Bhikangaon District, Mandaleshwar, Madhya Pradesh.

2. The petitioner has filed a petition seeking direction that this Court to give direction to the respondent viz., The Deputy Superintendent of Police, Thirupur District, to accept bail from the petitioner under the first proviso to Section 81 Cr.P.C.

3. The grievance of the petitioner is that the petitioner is facing trial for offence under Section 138 NI Act before the Judicial Magistrate, First Class, Bhikangaon



District, Mandaleshwar, Madhya Pradesh and that case, non-bailable warrant has been issued. On strengthen of the same, the complainant therein, in collusion with the police officials, attempted to secure the petitioner forcibly and take him to Madhya Pradesh. His apprehension is that the Superintendent of Police, Thirupur District fails to follow Section 81, wherein, if the offence is bailable and the person is ready and willing to give bail to the satisfaction of the concerned Superintendent of Police, Thirupur, the Superintendent of Police shall take such bail or security and forwarded the bond to the concerned Court.

4. In view of the same, the petitioner's apprehension is misgiving, it is the duty of the Executive Magistrate/Commissioner of Police/Superintendent of Police to take bond and forwarded only the bond of the petitioner to the concerned Court.

5. With the above directions, this Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

dna
To

1.The Judicial Magistrate, First Class,
Bhikangaon District, Mandaleshwar,
Madhya Pradesh.

2.The District Superintendent of Police
Tirpur District
Tamil Nadu.

3.The Public Prosecutor
High Court, Madras.

+2 Ccs to Mr.G.R.Hari, Advocate sr 63049.

Cr1.O.P.No.23191 of 2021

SJ(CO)
SP(27/12/2021)