



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Friday, the Third day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.11157 of 2021

1.N.Kabaleeshwaran

2.Anand

... Petitioners/Accused-A1, A-3

Vs

The Inspector of Police
Thirukkattupalli Police Station,
Thanjavur District.
(Crime No.518 of 2021)

... Respondent/Complainant

Prayer :- This Criminal Original Petition filed under Section 438 of Cr.P.C pleaded to release the petitioners on bail in the event of their arrest, in connection with the Crime No.518/2021 on the file of the Inspector of Police, Thirukkattupalli Police Station, Thanjavur District.

To

1.The Inspector of Police,
Thirukkattupalli Police Station,
Thanjavur District.

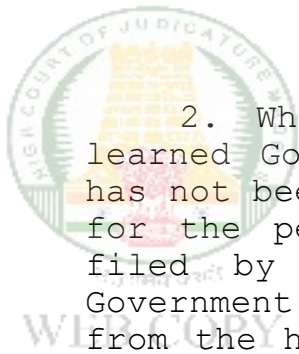
**THROUGH: THE PRINCIPAL DISTRICT
JUDGE, THANJAVUR.**

2.The Concerned Officer,
(who instructed the learned
Government Advocate (Crl.Side)

**THROUGH: O/O. THE ADDITIONAL PUBLIC
PROSECUTOR,
MADURAI BENCH OF MADRAS
HIGH COURT, MADURAI.**

Whereas upon this day the Hon'ble Court whil hearing the matter has passed an order as follows:-

The petitioners herein are A1 and A3. The petitioners seek anticipatory bail on the ground that the co-accused was released on bail by this Court in Crl.O.P.(MD)No.10521 of 2021, dated



2. When the matter came up for hearing on 26.08.2021, the learned Government Advocate (Crl. Side) submitted that the victim has not been discharged from the hospital. Since the learned counsel for the petitioners disputed the same that in the bail petition filed by the co-accused, it was represented by the learned Government Advocate (Crl. Side) that the victim has been discharged from the hospital, this Court, by order dated 26.08.2021, directed the respondent police to file a report on the next hearing date.

3. But, the respondent Police has not filed any report as directed by this Court on 26.08.2021. Instead, today, when the matter is taken up for hearing, the learned Government Advocate (Crl. Side) submits that the injured was discharged on 06.08.2021.

4. If the victim was discharged on 06.08.2021, it is not known as to how such representation was made on 03.8.2021 in Crl.O.P.(MD) No.10521 of 2021 that the injured has been discharged from the hospital and when the matter was taken up for hearing on 26.08.2021, despite the fact that the injured has been discharged, the respondent Police reported before this Court that the victim was still in hospital. Therefore, the concerned Officer, who instructed the learned Government Advocate (Crl. Side) has to file an affidavit as to the false report given before this Court. The Investigating Officer and the concerned Officer, who instructed the learned Government Advocate (Crl. Side), shall appear before this Court on 13.09.2021.

5. Post the matter on 13.09.2021. Till such time, petitioners shall not be arrested.

Whereas it is expedient in the interest of justice that (1) you namely The Inspector of Police, Thirukkattupalli Police Station, Thanjavur District, (2)The Concerned Officer, who instructed the learned Government Advocate (Crl.Side) be and hereby are directed to appear before the Madurai Bench of Madras High Court, Madurai at 10.30 A.M on 13/09/2021.

HEREIN FAIL NOT,

WITNESS The Hon`ble Thiru. Justice Sanjib Banerjee, The Chief Justice of the High Court of Judicature at Madras on 03/09/2021.

ASSISTANT REGISTRAR (CO)

OGY

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant



WEB COPY

CRL OP(MD)No.11157 of 2021

ORDER DATED : 03/09/2021

HEARING DATE : 13/09/2021

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SUMMONS
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GC (09.09.2021) 3P 5C