



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Monday, the Thirteenth day of December Two Thousand and Twenty One
PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

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CRL OP(MD) Nos.18776 and 18786 of 2021

M.KARTHIKRAJA

... PETITIONER/ACCUSED No.3
IN BOTH PETITIONS

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
PARAMAKUDI TOWN POLICE STATION,
RAMANATHAPURAM DISTRICT
(CRIME NO. 513 OF 2021)

... RESPONDENT/COMPLAINANT
IN CRL OP(MD).18776/2021

(CRIME NO. 515 OF 2021)

... RESPONDENT/COMPLAINANT
IN CRL OP(MD).18786/2021

IN BOTH PETITIONS:

For Petitioner : M/S.I.SABEER MOHAMMED, Advocate

For Respondent : Mr.S.MANIKANDAN, Government Advocate(crl.side)

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

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as A3, in both the cases apprehends arrest at the hands of the respondent police for the alleged offences punishable under section 392 IPC r/w 109 IPC, in respect of Crime Nos.515 and 513 of 2021 on the file of the respondent police and hence, seeks anticipatory bail.

2.When the matter was taken up for hearing, it has been brought to the notice of this court and from the CD file that has been produced by the prosecution shows that this petitioner was arrested and remanded to judicial custody in respect of Crime No.519 of 2021 for the offence under section 379 IPC on the file of the Judicial Magistrate, Paramakudi, Ramanathapuram District and detained in Sub Jail, Sivagangai. So at that time, formal arrest has been made by the Investigating Officer in the case of Crime Nos.513 and 515 of 2021. Similarly, in both the cases formal arrest has been made, on 18.10.2021 a request has been made by the Deputy Superintendent of Police, Paramakudi Sub Division, Ramanathapuram District, to the concerned Jail Authority. Even though, PT warrant that has been served on the respondent appears that it has not been presented before the



concerned court. The petitioner has been granted bail in the above said Crime No.519 of 2021 and he has been released on bail in Cr.MP No.2046 of 2021 by the Judicial Magistrate, Paramakudi. Ramanathapuram District, on 22.10.2021 in respect of Crime No.519 of 2021. So the petitioner has been released from the prison.

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3.Now seeking anticipatory bail, this petitioner has moved these two petitions. Since formal arrest has already been made upon the petitioner, the question of granting anticipatory bail does not arise, as the 2nd arrest is also not permissible in law. The Investigating Officer cannot also file the absconding charge sheet before the trial court, after completion of the investigation, since the arrest has also been made, even though the petitioner was released on bail in these two crime numbers. So the only course available to the Investigating Officer is that he has to file a final report before the concerned court. After completing the investigation, by request, the concerned court may issue summon to the accused persons.

4.Since the offence is under section 393 IPC, there shall be a direction to the petitioner to appear before the Investigating Officer and co-operate with him to complete the investigation process. During the course of investigation process, the involvement of the petitioner is noticed, then the Investigating Officer has to adopt the above said course that has been mentioned by this court as above. If during the course of investigation, if the Investigating Officer feels that re-arrest is required, then he has to approach the concerned Magistrate for such a relief. The petitioner can also work out his remedy through proper proceedings.

5.With the above direction, these two petitions are **disposed of.**

sd/-
13/12/2021

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/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE,
PARAMAKUDI, RAMANATHAPURAM DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3 THE INSPECTOR OF POLICE
PARAMAKUDI TOWN POLICE STATION,
RAMANATHAPURAM DISTRICT



4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

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SA/PN/SAR.2/16.12.2021/3P/5C

ORDER

IN

CRL OP(MD) Nos.18776 and
18786 of 2021

Date :13/12/2021