



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

Dated: 23/12/2021

PRESENT

The Hon'ble Mr.Justice G.ILANGOVAN

Crl.OP(MD)No.20619 of 2021

WEB COPY

1.C.Panneer Mohamed
2.C.Rabeek Raja

... Petitioners/Accused No.7 & 8

Vs.

1.The Deputy Superintendent of Police,
Melur Sub-Division,
Madurai District.

2.The Inspector of Police,
Melur Police Station,
Madurai District.
(Crime No.418 of 2013)

... Respondents/Complainants

For Petitioners	: Mr.R.Anand, Advocate
For Respondents	: Mr.R.Meenakshi Sundaram Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL under Sec.438 of Cr.P.C

PRAYER :-

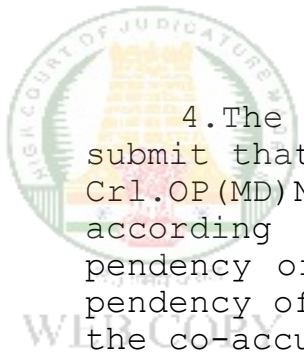
For Anticipatory Bail in Crime No.418 of 2013 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who were arrayed as A7 and A8 apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 120(B), 406, 420, 434, 447, 430, 379 IPC and Section 3(a), 4(a) of Explosives Substance Act and Section 3(1)(2) of TNPPDL Act, 304(2) r/w 511 IPC and Sections 4(A), 4(1)(A) and 21(5) of MMDR Act, in Crime No.418 of 2013 and seeks anticipatory bail.

2.Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the respondent.

3.The learned Additional Public Prosecutor would submit that when the final report has been filed before the committal court, the 1st petitioner/A7 has been shown as absconding accused.



4.The learned counsel appearing for the petitioners would submit that the co-accused persons were granted anticipatory bail in Crl.OP(MD)No.12045 of 2013, dated 25/07/2013. At that time, the according to him, the petitioners had no knowledge about the pendency of the case. Had the 1st petitioner was informed about the pendency of the case, he would have got anticipatory bail along with the co-accused/A8 viz., the 2nd petitioner herein.

5.Whatever it may be, the final report has been filed and it was taken cognizance in PRC No.38 of 2020 by the Judicial Magistrate, Melur and now, the committal proceedings is pending. Pending committal proceedings, it appears that summon has been issued to the 1st petitioner/A7 to appear before the committal court, on 01/12/2021. Regarding the other accused person namely the 2nd petitioner herein, summon has not been issued so far.

6.According to the petitioners, they are ready to appear before the concerned committal court and also ready to execute proper bonds.

7.Since the matter is of the year 2013, let the petitioners be appear before the committal court and execute bond under section 88 of Cr.P.C, as directed by the concerned Judicial Magistrate, for ensuring their appearance either with sureties or without sureties. More-over, proper petition is to be filed to recall the warrant that has been issued against the first petitioner/A7. After going through the date of service of the summon, the concerned Magistrate can also consider the request of the 1st petitioner. So also, on the date, the 2nd petitioner/A8 may also appear before the committal court without waiting for summon to be served.

8.With the above directions, this petition stands **disposed of.**
sd/-
23/12/2021

/ TRUE COPY /

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

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 concerned.



TO

1 THE JUDICIAL MAGISTRATE,
MELUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.

3 THE DEPUTY SUPERINTENDENT OF POLICE,
MELUR SUB DIVISION, MADURAI DISTRICT.

4 THE INSPECTOR OF POLICE
MELUR POLICE STATION,
MADURAI DISTRICT.

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

+1. CC to M/S.ANAND R Advocate SR.No.9780

ORDER

IN

CRL OP(MD) No.20619 of 2021

Date :23/12/2021

RS/JC/SAR.1(27.12.2021) 3P-7C