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Crl.O.P No.26995 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **07.11.2022**

CORAM

THE HONOURABLE Ms. JUSTICE R.N.MANJULA

Crl.O.P No.26995 of 2022

Abi @ Abishekpachan

... Petitioner

Vs.

State represented by
Inspector of Police,
All Women Police Station, Thiruvarur,
Thiruvarur District.

... Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, praying to set aside the order in Crl.M.P.No.470 of 2022, dated 14.10.2022, passed by learned Sessions Judge, Fast Track Mahila Court, Thiruvarur and release the petitioner on bail in Crime No.15 of 2022 pending on the file of the respondent.

For Petitioner : Mr. P.Muthamizhselvakumar

For Respondent : Mr.S.Santhosh
Government Advocate (Crl. Side)



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ORDER

This petition is filed to set aside the order in Crl.M.P.No.470 of 2022, dated 14.10.2022, passed by learned Sessions Judge, Fast Track Mahila Court, Thiruvavur and to release the petitioner on bail in Crime No.15 of 2022 pending on the file of the respondent.

2. The learned counsel for the petitioner submitted that he has filed a petition under Section 167(2)(a) (ii) Cr.P.C. seeking mandatory bail in view of the failure of prosecution to file charge sheet within the specific time limit. The contention of the learned counsel for the petitioner is that the respondent police did not file charge sheet within the maximum time limit of 90 days, hence he is entitled to mandatory bail. The claim of the learned counsel for the petitioner is though the charge sheet has been filed and taken on file, the fact remains that the charge sheet has been filed only after the expiry of the mandatory time limit.

3. The learned Government Advocate (Crl.side) submitted that charge sheet has been filed on 23.08.2022 and the bail application has been filed



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only in the month of October; the learned Sessions Judge (FAC), Fast Track Mahila Court, Tiruvarur had dismissed the petition on 14.10.2022.

4. Since the respondent has filed charge sheet within the prescribed time limit and the same has been taken on file, it is right for the Sessions Judge (FAC), Fast Track Mahila Court, Tiruvarur to dismiss the petition in Crl.M.P. No.470 of 2022 dated 14.10.2022.

5. In view of the above, this Criminal Original Petition is dismissed.

07.11.2022

Index : Yes/No
Speaking Order : Yes / No

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R.N.MANJULA, J.,

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To:

- 1.The Sessions Judge,
Fast Track Mahila Court,
Thiruvarur.
- 2.The Inspector of Police,
All Women Police Station, Thiruvarur,
Thiruvarur District.
- 3.The Public Prosecutor,
High Court, Madras.

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