



Crl.O.P.(MD)No.3813 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 29.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE **G.ILANGO VAN**

Crl.O.P.(MD) No.3813 of 2022

Sethupathi

... Petitioner

Vs.

1.The Deputy Superintendent of Police,
Paramakudi,
Ramanathapuram District.

2.The State through
The Inspector of Police,
Paramakudi Town Police Station,
Ramanathapuram District.
Crime No.175 of 2021

3.Renuka

.. Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for records and set aside the order dated 12.01.2022 made in Crl.M.P.No.unnumbered of 2022 on the file of the learned Principal District and Sessions Judge, (Special Judge for PCR Cases), Ramanathapuram in Crime No.175 of 2021 on the file of the 2nd respondent and consequently take the bail petition on file.

For Petitioner
For R1 & R2

: Mr.C.Senthil Murugan
: Mr.Vaikkam Karunanithi
Government Advocate (Crl.side)



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ORDER

The petitioner has filed this petition in order to set aside the return order that was passed by the trial Court.

2.The petitioner moved the bail application in Crl.M.P.No. Unnumbered of 2022 in SC.No.74 of 2021 before the trial Court on 12.01.2022. That was came to be returned by the trial Court stating that the earlier bail application that was filed by this petitioner in Crl.M.P.No. 566 of 2021 was dismissed on 13.10.2021 by the trial Court. Against the dismissal order dated 13.10.2021, Crl.A.(MD) No.459 of 2021 was filed by this petitioner. That was also dismissed by this Court, vide order dated 25.11.2021. So, on that ground, it was returned.

3.This Court is not in a position to understand the view of the trial Court. The bail application is maintainable in multi-ways and at any time, the petitioner can move bail application. Such a right cannot be denied to the petitioner by simply stating that the criminal appeal that was filed by the petitioner on the earlier occasion came to be dismissed. So, the return order is liable to be set aside and accordingly, set aside.



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4.The trial Court is directed to take the petition and dispose of the same on merits and in accordance with law. Registry is directed to return the original papers, if any, by substituting the copy of the same, to the petitioner after getting acknowledgment from the learned counsel for the petitioner for presenting the same before the trial Court.

5.With the aforesaid direction, this Criminal Original Petition stands allowed.

29.06.2022

Index : Yes/No
Internet : Yes/No
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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 Deputy Superintendent of Police,
Paramakudi,
Ramanathapuram District.
- 2.The Inspector of Police,
Paramakudi Town Police Station,
Ramanathapuram District.

G.ILANGOVA. J.



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3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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