



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/01/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.13719 of 2021

Devidraj

... Petitioner/Accused No.2

Vs

The State rep.by,
The Inspector of Police,
District Crime Branch,
Tuticorin District.
Crime No.12 of 2020.

... Respondent/Complainant

For Petitioner : Mr.C.Susi Kumar,
Advocate.

For Respondent : Mr.RMS.Sethuraman,
Additional Public Prosecutor

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

PRAYER :-For Anticipatory Bail in Crime No.12 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 120 (b), 419, 465, 468 and 420 IPC, in Crime No.12 of 2020, seeks anticipatory bail.

2.The learned counsel for the petitioner would submit that originally, the subject complaint was registered on the file of District Crime Branch, Tirunelveli and at that time, he moved anticipatory bail before the learned Principal District Judge, Tirunelveli, in CrI.M.P.No.10518 of 2019 and that was allowed. Later, the above said FIR was transferred to the file of District Crime Branch, Tuticorin and also renumbered as Cr.No.12 of 2020. In Column No.4 of FIR, it was noted as "TRANSFER FROM PS". Now, the District Crime Branch, Tuticorin insisted the petitioner to get anticipatory bail for this transferee FIR also. On that basis, the counsel for the petitioner seeks anticipatory bail.



3.This Court is not in a position to understand the stand of the respondent police. It is only a transferee FIR. In the original FIR, anticipatory bail was granted by the learned Principal District Judge, Tirunelveli in Crl.M.P.No.10518 of 2019. The substance of the complaint is one and the same. Therefore, the anticipatory bail granted by that Court applies throughout the trial process, wherever the FIR is transferred, wherever the investigation is transferred and wherever the trial is transferred. There is no need to get fresh anticipatory bail at each and every time.

4.With the above said directions, this petition is disposed of, making it clear that the original order granted by the learned Principal District Judge, Tirunelveli in Crl.M.P.No.10518 of 2019 (in Cr.No.31 of 2019 on the file of District Crime Branch, Tirunelveli), shall stand apply to the transferee FIR (ie., Cr.No.12 of 2020 on the file of District Crime Branch, Tuticorin) also.

sd/-
04/01/2022

/ TRUE COPY /

/ /2022
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 INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, TUTICORIN DISTRICT.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:
THE PRINCIPAL DISTRICT JUDGE,
TIRUNELVELI

ORDER
IN
CRL OP(MD) No.13719 of 2021
Date :04/01/2022

PNM
MK/PN/SAR.I/25.01.2022/2P/4C