

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **07.09.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE SATHI KUMAR SUKUMARA KURUP**

Cr1.O.P.(MD)No.15715 of 2022

M.Pauldurai

... Petitioner

/Vs./

1.The Executive Magistrate/The Tahsildar,
Manur Taluk,
Manur,
Tirunelveli District.

2.The Sub Inspector of Police,
Manur Police Station,
Tirunelveli District.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, 1973, to direct the second respondent not to harass the petitioner by compelling the petitioner to execute bond before the first respondent herein without following the procedure contemplated under Section 110 Cr.P.C.

For Petitioner : Mr.A.Robinson

For Respondents : Mr.A.Albert James

Government Advocate (Cr1.)

ORDER

The Petitioner has filed this Criminal Original Petition seeking for a direction to the second respondent not to harass the petitioner by compelling him to execute a bond before the first respondent herein.

2.Heard the learned Counsel appearing for the Petitioner and learned Government Advocate (CrI.), who takes notice for the Official Respondent/s.

3.The learned Counsel appearing for the Petitioner submits that the Petitioner has only one case, for which he had obtained anticipatory bail. As per the anticipatory bail condition in CrI.M.P.No.7400 of 2022, imposed by the learned Principal Sessions Judge, Tirunelveli, he has to appear before the Respondent Police daily. The Petitioner is also appearing before the respondent Police daily. But, the Respondent police refused to obtain signature from the Petitioner, as though the petitioner had absconded. In such a situation, the Respondent Police had directed the Petitioner to comply with the procedure under Section 110 Cr.P.C., and hence, the Petitioner approached this Court by way of this petition.

4.The learned Government Advocate (CrI.) appearing for the Official Respondents submits that there are three cases pending against the Petitioner in Crime Nos.238 of 2018, 392 of 2017 and 284 of 2022.

5.The learned Counsel appearing for the Petitioner submits that in the anticipatory bail granted in CrI.M.P.No.7400 of 2022 by the learned Principal Sessions Judge, Tirunelveli, it is clear that the Public Prosecutor therein had not reported any other previous cases pending against the Petitioner and only now, they state that there are previous cases pending against the Petitioner.

6.In view of the above, the contention of the learned Additional Public Prosecutor that the petitioner is absconding is not accepted. Accordingly, this Criminal Original Petition is allowed with a direction to the respondent police not to harass the Petitioner by compelling the Petitioner to execute bond u/s 110 Cr.P.C.

07.09.2022

Index : Yes / No

Internet : Yes / No
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SATHI KUMAR SUKUMARA KURUP, J.

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TO:

- 1.The Executive Magistrate/The Tahsildar,
Manur Taluk,
Manur, Tirunelveli District.
- 2.The Sub Inspector of Police,
Manur Police Station,
Tirunelveli District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Order made in
CrI.O.P.(MD)No.15715 of 2022

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