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

Date : 23/09/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGOVAN

CRL OP(MD) . No.16993 of 2022

Ramesh

... Petitioner/Accused-2

Vs

State rep.by
The Inspector of Police,
Colacheri Police Station,
Kanaykaumari District.
(Crime No.259 of 2010).

... Respondent/Complainant

For Petitioner : M/s.Bebin Jose.J, Advocate.

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

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No.259 of 2010 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused herein, who was arrested on 25.07.2022, in pursuant to the execution of NBW issued by the learned Assistant Session Judge, Eraniel, in S.C.No.23 of 2012, concerned in Crime No.259 of 2010 on the file of the respondent police, for the alleged offence under Section 450, 394, 398 r/w Section 34 of IPC, seeks bail.

2.The petitioner was arrested and remanded on 25.07.2022, on execution of warrant, which was issued on 12.02.2019, in S.C.No.23 of 2012, this petitioner is arrayed as 2nd accused.



3.The earlier application filed by the petitioner was dismissed with liberty to revive his bail petition after the completion of examination of material witness are over.

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4.The learned Additional Public Prosecutor submitted that since the second accused is absconding, the trial Court could not proceed further. The warrant is pending against the second accused. He would further submit that a direction may be issued to split up the case against the second accused.

4.The learned counsel for the petitioner seeks permission of this Court to withdraw the petition and he has also made an endorsement to that effect.

5.In view of the endorsement made by the learned counsel for the petitioner, this Criminal Original Petition is dismissed as withdrawn. However, there shall be a direction to the learned Assistant Sessions Judge, Eraniel, to split up the case in S.C.No.23 of 2012, in respect of the Crime No.259 of 2019, on the file of the respondent police, in respect of the second accused. The petitioner is at liberty to approach the concerned trial Court seeking bail, after splitting up the above case.

Sd/-

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/09/2022

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

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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 ASSISTANT SESSIONS JUDGE,

<https://www.mhc.go.in/judis>
ERANIEL.



2. THE INSPECTOR OF POLICE,
COLACHEL POLICE STATION,
KANYAKUMARI DISTRICT.

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

+1. CC to M/S.BEBIN JOSE.J Advocate SR.No.10455

ORDER

IN

CRL OP (MD) No.16993 of 2022

Date :23/09/2022

SP/GB/SAR II/26/09/2022/3P/5C