



Crl.O.P.(MD)No.22713 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **23.12.2022**

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.22713 of 2022

Sivashanthi

... Petitioner

Vs.

State through
The Inspector of Police,
Devakottai Taluk Police Station,
Sivagangai District.
(Crime No.79 of 2022)

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the learned Judicial Magistrate Court, Devakottai to accept the appearance of the petitioner as per the summons issued and to consider the petition filed under Section 88 of Cr.P.C.

For Petitioner : Mr.K.Suyambulinga Bharathi
for Mr.KR.Bharathi Kannan

For Respondent : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor



Crl.O.P.(MD)No.22713 of 2022

WEB COPY

ORDER

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders to direct the learned Judicial Magistrate Court, Devakottai to accept the appearance of the petitioner as per the summons issued and to consider the petition filed under Section 88 Cr.P.C. and pass orders.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

3. The learned counsel appearing for the petitioner would submit that in pursuance of the summons issued by the concerned Court, the petitioner had appeared on 31.10.2022 along with an application under Section 88 Cr.P.C. and sureties, that the learned Magistrate without assigning any reason has not accepted the sureties and that therefore summons was ordered to be issued and the case stands posted today (23.12.2022).



Crl.O.P.(MD)No.22713 of 2022

4. It is evident from the records that in the surety memo filed by the petitioner, the petitioner's counsel has endorsed that the memo was not pressed.

5. However, the learned Additional Public Prosecutor appearing for the respondent would submit that in the petition for anticipatory bail filed by the petitioner along with other accused in Crl.O.P.(MD)No. 13717 of 2022, this Court vide order dated 04.08.2022, while dismissing the petition, has observed that the petitioners therein are at liberty to surrender before the concerned Court and seek regular bail.

6. It is further evident that the co-accused Seethalakshmi has again moved another application for anticipatory bail in Crl.O.P.(MD)No. 16544 of 2022 and this Court, while dismissing the same, has specifically stated that the petitioner has to surrender before the concerned Court and seek regular bail and even at the time of surrendering, the respondent may takes steps to secure the petitioner for custodial interrogation with regard to the alleged common intention is over.



Crl.O.P.(MD)No.22713 of 2022

7. It is not in dispute that as of now, the committal Court has issued summons for the appearance of the accused/petitioner. Hence, the petitioner is at liberty to appear before the concerned Court and it is for the committal Court to decide as to course to be adopted and as such, no direction can be issued at this stage by this Court.

8. In the result, this Criminal Original Petition stands dismissed.

23.12.2022

Index : Yes / No
Internet : Yes / No
csm

To

- 1.The Inspector of Police,
Devakottai Taluk Police Station,
Sivagangai District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.O.P.(MD)No.22713 of 2022



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Crl.O.P.(MD)No.22713 of 2022

K.MURALI SHANKAR,J.

csn

Order made in
Crl.O.P.(MD)No.22713 of 2022

Dated: 23.12.2022