



WEB COPY



Criminal Original Petition No.15451 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Criminal Original Petition No.15451 of 2023

Ramesh

S/o.Chinnaraj

...Petitioner

Vs

The Inspector of Police,
Central Crime Branch - I,
Chennai.

Crime No.260 of 2022

... Respondent

PRAYER : Criminal Original Petition under Section 482 of the Code of Criminal Procedure, 1973, praying to direct the learned Metropolitan Magistrate for Exclusive Trial of Cases registered and investigated by the CCB, Egmore, Chennai, to consider the surrender and bail application of the petitioners u/s.167(2) Cr.P.C. on the same day in C.C.No.2780 of 2023 on the file of learned Metropolitan Magistrate for Exclusive Trial of Cases registered and investigated by the CCB, Egmore, Chennai, in Crime No.260 of 2022 on the file of the respondent.

For Petitioner : Mr.G.Mohana Krishnan

For Respondent : Mr.A.Damodaran
Additional Public Prosecutor



Criminal Original Petition No.15451 of 2023

ORDER

This petition has been filed for a direction to the Court below to consider the surrender and bail petition filed under Section 167(2) Cr.P.C. and to pass orders on the same day in C.C.No.2780 of 2023.

2. Heard Mr.G.Mohana Krishnan, learned counsel for petitioner and Mr.A.Damodaran, learned Additional Public Prosecutor appearing for respondent.

3. The petitioner was arrested and remanded to judicial custody on 26.11.2022 in Crime No.260 of 2022. The petitioner filed a bail petition before this Court in CrI.O.P.No.1422 of 2023 and this Court, by order dated 24.01.2023, granted interim bail by imposing a condition to deposit a sum of Rs.5,00,000/- within a period of four weeks from the date of release, apart from imposing other conditions. Incidentally, the date on which the petitioner was given interim bail was the 60th day of the incarceration of the petitioner.



4. The petitioner did not comply with the conditions imposed by this Court and hence, the bail petition came to be dismissed by this Court by an order dated 20.03.2023 for non-compliance of the condition. The petitioner, who was released, did not surrender before the Court below in spite of dismissal of the bail petition. In the mean time, the final report was filed by the respondent police on 24.03.2023.

5. It is the case of the petitioner that the final report was filed beyond the statutory period of sixty days and therefore, the petitioner is entitled for mandatory bail u/s.167(2) Cr.P.C. Therefore, the petitioner has knocked the doors of this Court for a direction to the Court below to entertain surrender and bail petition filed by the petitioner u/s.167(2) Cr.P.C.

6. In the considered view of this Court, whether the petitioner is entitled for mandatory bail u/s.167(2) Cr.P.C. is a matter to be considered by the Court below. The petitioner was released by this Court by virtue of an interim bail on the 60th day of his incarceration and thereafter, the bail petition was also dismissed. In view of the same, the petitioner ought to have surrendered before the Court below and worked out his remedy.



Criminal Original Petition No.15451 of 2023

Unfortunately, the petitioner did not surrender before the Court below in spite of dismissal of the bail petition.

7. There shall be a direction to the petitioner to surrender before the Court below immediately and also move a bail petition. It is left open to the Court below to consider the bail petition on its own merits and in accordance with law including the grounds raised by the petitioner seeking for mandatory bail u/s.167(2) Cr.P.C. The petitioner shall surrender within a period of one (1) week from today and shall comply with the directions issued by this Court. In the absence of the same, there shall be a direction to the respondent to secure the petitioner and produce him before the Court below.

Accordingly, this Criminal Original petition is disposed of in the above terms.

10.07.2023

Index : Yes/No
Speaking order: Yes/No
Neutral citation: Yes/No
gm



Criminal Original Petition No.15451 of 2023

To
WEB COPY

- 1.The Metropolitan Magistrate for Exclusive Trial
of Cases registered and investigated by the CCB,
Egmore, Chennai.
- 2.The Inspector of Police,
Central Crime Branch - I,
Chennai.
Crime No.260 of 2022
- 3.The Public Prosecutor,
High Court, Madras.



WEB COPY



Criminal Original Petition No.15451 of 2023

N.ANAND VENKATESH, J

gm

Criminal Original Petition No.15451 of 2023

10.07.2023