



WEB COPY

Crl.O.P.No.20545 of 2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.11.2023

CORAM :

THE HONOURABLE Dr. JUSTICE G.JAYACHANDRAN

Crl.O.P.No.20545 of 2022
and
Crl.M.P. No.13445 of 2022

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... Petitioner

-VS-

1.The State, represented by
Inspector of Police,
Hosur Police Station,
Krishnagiri District.
(Crime No.367 of 2022)

2.Chikandar Basha

...Respondents

PRAYER : Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to call for the records made in FIR Crime No.367 of 2022 dated 12.07.2022 on the file of Inspector of Police, Hosur Police Station, Krishnagiri District, the first respondent herein and quash the same as illegal.

For Petitioner : Mr.R.Sankarasubbu

For Respondent No.1 :Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)



ORDER

This petition is filed to quash the action taken by the Sessions Court against the petitioner under Section 229A of IPC for breach of bail condition.

2. From the records, it appears that the petitioner who is an accused in S.C. No.134 of 2019 for offence under Section 302 of IPC abstaining from attending the Court and breaching the bail condition. Hence, the Presiding Officer has thought fit to initiate action against him under Section 229A of IPC.

3. This Court, when the petition to quash the FIR in Cr. No.367 of 2022 came up for admission had ordered interim stay for the present and posted the matter to 14.09.2022, thereafter, the case was not listed. Meanwhile, the Investigation Officer who was not aware of the stay, had completed the investigation and filed a final report before the learned Judicial Magistrate No.II, Hosur, has taken cognizance and numbered as STC. No.1612 of 2022 on 13.12.2022.

4. The fact as it stands that, the petitioner is an absconding accused in a murder case been prosecuted for the breach of conditions under Section 229A of IPC. Unless and until, the petitioner appear before the Court where he stand charges for offence under Section 302 IPC and cooperate with the investigation, there cannot not be any legal impediment to proceed against him under Section 229A of IPC for breach of condition.



5. Therefore, this Court finds no merit in this quash petition and hence dismissed. Consequently, connected Miscellaneous Petition is also dismissed.

23.11.2023

Internet : Yes/No
Index : Yes/No
rkp

To

- 1.The Additional District and Sessions Judge,
Hosur.
- 2.The Judicial Magistrate No.II,
Hosur.
- 3.The Inspector of Police,
Hosur Police Station,
Krishnagiri District.
- 4.The Public Prosecutor,
Madras High Court,
Madras.



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Dr.G.JAYACHANDRAN,J.

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