



Criminal Original Petition No.20521 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.09.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Criminal Original Petition No.20521 of 2023

Unni @ Madhusudhanan
S/o.Muralidharan

...Petitioner

Vs

State represented by
The Inspector of Police,
E-3, Saravanampatti Police Station,
Coimbatore District.
Crime No.1225 of 2021

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973, praying to set aside the returned docket order made in unnumbered CrI.M.P.Sr.No.5038 of 2023 dated 14.08.2023 on the file of Special Court for Essential Commodities Act, Coimbatore.

For Petitioner : Mr.N.Arun Kumar

For Respondent : Mr.A.Damodaran

Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed challenging the docket order passed by the Court below refusing to entertain the petition filed by



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the petitioner u/s.88 of the Code of Criminal Procedure, 1973, to execute bond for his appearance before the Court during trial in C.C.No.65 of 2023.

2. Heard Mr.N.Arun Kumar, learned counsel for petitioner and Mr.A.Damodaran, learned Additional Public Prosecutor appearing for respondent.

3. Learned Additional Public Prosecutor, on instructions, submitted that the trial Court had issued a non-bailable warrant against the petitioner in C.C.No.65 of 2023 and the petitioner was secured and was produced before the Court below. Thus, the non-bailable warrant stood executed. The petitioner was arrested in yet another case in Crime No.446 of 2023 on 31.08.2023 and he is inside the jail. In the mean time, the petitioner filed an application u/s.88 of the Criminal Procedure Code, 1973, read with Rule 22 of the Criminal Rules of Practice volunteering to execute a bond for his appearance before the Court and this application came to be returned by the Court below. Aggrieved by the same, this Criminal Original Petition has been filed before this Court.



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4. In the considered view of this Court, when the petitioner was produced before the Court below on execution of the non-bailable warrant, the Court below ought to have insisted for a bond from the petitioner u/s.88 Cr.P.C. That is now sought to be voluntarily done by the petitioner and the Court below ought to have entertained the same. Hence, there was no reason for the Court below to reject the application. The Court below shall entertain the application in continuation to the proceedings dated 10.08.2023 and shall direct the petitioner to execute the bond with sureties.

Accordingly, this Criminal Original Petition is disposed of.

05.09.2023

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



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N.ANAND VENKATESH, J

gm

To

- 1.The Special Court for Essential Commodities Act,
Coimbatore.
- 2.The The Inspector of Police,
E-3, Saravanampatti Police Station,
Coimbatore District.
Crime No.1225 of 2021
- 3.The Public Prosecutor,
High Court, Madras.

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