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Crl.OP.No.217 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.01.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.217 of 2023

R.Sathish @ Sathiakumar

... Petitioner

Vs.

The State represented by
The Superintendent of Police,
HoB/CBI/ACB/Chennai.
(Crime No.19 of 2012)
(SC.No.34 of 2020)

... Respondent

PRAYER: This Criminal Original Petition filed under Section 438 of Cr.P.C., to enlarge the petitioner accused on bail in the event of his arrest by the respondent in S.C.No.34 of 2020 on the file of respondent pending before the Hon'ble Special Court No.1 for Trial of Criminal Cases related to Elected Members of Parliament and Members of Legislative Assembly of Tamilnadu, Chennai.

For Petitioner : Mr.R.Vivekananthan

For Respondent : M/s.G.Vrindha Ramesh
for Mr.K.Srinivasan, Special Public Prosecutor



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ORDER

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This Criminal Original Petition is filed for enlarging the petitioner accused on bail in the event of his arrest by the respondent in S.C.No.34 of 2020, on the file of respondent pending before the Special Court No.1 for Trial of Criminal Cases related to Elected Members of Parliament and Members of Legislative Assembly of Tamilnadu, Chennai.

2. The petitioner submitted that the petitioner is the 3rd accused in SC.No.34 of 2020, pending on the file of the Special Court No.1 for Trial of Criminal Cases related to Elected Members of Parliament and Members of Legislative Assembly of Tamilnadu, Chennai. He submitted that the petitioner, due to his illness was not able to appear before the Trial Court on 12.12.2022. Therefore, the learned Judge issued Non-Bailable Warrant against the petitioner.

3. The learned counsel for the respondent submitted that the petitioner had not appeared only on one occasion i.e., on 12.12.2022.



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4. In the light of the above submission, this Court is of the view that instead of granting Anticipatory Bail, the petitioner may be directed to appear before the concerned learned Judge, Special Court No.1 for Trial of Criminal Cases related to Elected Members of Parliament and Members of Legislative Assembly of Tamilnadu, Chennai and move a petition for surrendering and recalling the Non-Bailable Warrant issued. On filing such petition, the learned concerned Judge is directed to consider the recalling of the Non-Bailable Warrant and proceed further with the trial.

5. Accordingly, this Criminal Original Petition is disposed of, with the aforesaid directions.

05.01.2023

Internet : Yes / No

Index : Yes / No

Speaking/Non speaking order

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G.CHANDRASEKHARAN,J.

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To

- 1.The Special Court No.1 for Trial of Criminal Cases related to Elected Members of Parliament and Members of Legislative Assembly of Tamilnadu, Chennai.
- 2.The Superintendent of Police,
HoB/CBI/ACB/Chennai.
- 3.The Public Prosecutor,
Madras High Court.

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