



Crl.O.P(MD) No.12014 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 03.07.2023

CORAM:

The Hon`ble Dr.Justice **D.NAGARJUN**

Crl.O.P.(MD)No.12014 of 2023

A.Vadivel

... Petitioner

Vs

1.M.Sasikumar

2.The Inspector of police,
Vilampatti Police Station,
Dindigul District.
Crime No.152/2022.

... Respondents

Prayer: Petition filed under Section 482 of Cr.P.C., to call for the records and set aside the order of cancelling the bail bond dated 30.01.2023 made in Crl.M.P.No.989 of 2022 on the file of the learned Judicial Magistrate, Nilakottai and allow the above criminal original petition.

For Petitioner : Mr.S.Veerapandi Selvaraj

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



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ORDER

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This Criminal Original Petition is filed seeking to quash orders passed by the learned Judicial Magistrate, Nilakottai in CrI.M.P.No.989 of 2022 dated 03.01.2023.

2. It is submitted by the learned counsel for the petitioner that on the basis of a complaint filed by one Sasikumar/ first respondent, a case in Crime No.152/2022 has been registered before the second respondent police station for the offences under Section 294(b), 323, 324 and 506(ii) of IPC and Section 4 of TNPHW Act. Accused Nos.1, 3 and 4 have filed anticipatory bail petitions and got the orders. The petitioner is arrayed as Accused No.2. His wife has filed an application for anticipatory bail and the same was dismissed. The petitioner was remanded to judicial custody for more than 17 days and ultimately the learned Sessions Judge, Dindigul, has allowed the bail application in Cr.M.P.No.4013 of 2022 on 11.11.2022, by imposing this condition including that the petitioner shall appear and sign before the learned Judicial Magistrate, Nilakottai at 10.30 a.m., daily until further orders. The petitioner met with an minor accident and was admitted at AJ Medical Centre, Thennur High Road,



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Trichy from 17.11.2022 to 20.12.2022 for treatment, thereby he could not appear before the learned Magistrate as directed in the bail order. The defacto complainant has moved an application in Crl.M.P.No.989 of 2022 on the file of the learned Judicial Magistrate, Nilakottai and the same was allowed on 03.01.2023, cancelling the bail of the petitioner. Aggrieved by the same, the petitioner / Accused No.2 filed a revision before the Additional District and Sessions Judge, Dindigul in Crl.R.C.No.12 of 2023 and the same was dismissed on 05.04.2023, holding that the revision is not maintainable.

3. The present petition is filed challenging the orders of the learned Magistrate, challenging the orders of cancellation of bail in Cr.M.P.No. 989 of 2022 dated 03.01.2023. It is submitted by the learned counsel for the petitioner that his absence before the learned magistrate as per the directions in the orders of the bail in Crl.M.P.No.4013 of 2022 dated 11.11.2022 is not intentional and it was not an wanton act, on the part of the petitioner. It is also submitted that the petitioner is always ready and willing to abide of the conditions and that all the other accused in this case were released on anticipatory bail.



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4. The learned Additional Public Prosecutor on the other hand submitted that they have completed the investigation and filed the charge sheet.

5. The petitioner along with other accused were charged for the offences under Sections Section 294(b), 323, 324 and 506(ii) of IPC and Section 4 of TNPHW Act. All the offences are to be tried by the learned Judicial Magistrate, Nilakottai and that the police have already completed the investigation. Therefore, the request of the petitioner to enlarging the petitioner in bail for the change in circumstances, require to be considered.

6. In view of the same, this petition is disposed of by directing the petitioner to approach the learned Judicial Magistrate, Nilakottai, and file an application for bail within a period of 15 days from the date of receipt of a copy of this order. On filing of such application, the learned Judicial Magistrate, Nilakottai, is directed to dispose of the application on the very same day, keeping in view of the fact that the petitioner has



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earlier failed to comply the directions on account of meeting with an accident and also that the police have completed the investigation and charge sheet .

7. With the above observation, this Criminal Original Petition stand is disposed of.

03.07.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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To

- 1.The Judicial Magistrate, Nilakottai.
- 2.The Inspector of police,
Vilampatti Police Station,
Dindigul District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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DR. D.NAGARJUN, J.

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ORDER
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