



Crl.O.P.(MD)No.14171 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.10.2023

CORAM

THE HON'BLE MR.JUSTICE V. SIVAGNANAM

Crl.O.P.(MD)No.14171 of 2023

R.Pandi

... Petitioner/Defacto Complainant

Vs.

1.The State of Tamilnadu rep.by
The Inspector of Police,
DCB, Madurai
District Police Office,
Madurai-625 007
(Crime No.7 of 2019)

...Respondent/Complainant

2.S.Muthuvel

... Respondents/ Accused -4

PRAYER : Criminal Original Petition filed under Section 439(i)(b) of the Code of Criminal Procedure, to direct the second respondent herein to deposit a sum of Rs.3,78,000/- as ordered by the Principal District Court, Madurai in Crl.M.P.No.6391 of 2019, dated 07.01.2020 before the learned Special Judicial Magistrate Court for Exclusive Trial of Land Grabbing Cases, Madurai.

For Petitioner : Mr.J.Selvarajan, Advocate

For R1 : Mr.R.Suresh Kumar,
Government Advocate(Crl.side)

For R2 : Mr.Sathya Chidambaram, Advocate



Crl.O.P.(MD)No.14171 of 2023

WEB COPY

ORDER

This Criminal Original Petition has been filed to direct the second respondent herein to deposit a sum of Rs.3,78,000/- as ordered by the Principal District Court, Madurai in Crl.M.P.No.6391 of 2019, dated 07.01.2020 before the learned Special Judicial Magistrate Court for Exclusive Trial of Land Grabbing Cases, Madurai.

2.The learned counsel appearing for the petitioner would submit that the petitioner herein is the defacto complainant in Cr.No.7 of 2019. The second respondent herein is the accused in the above said case and he filed anticipatory bail application before the learned Principal Sessions Judge, Madurai in Crl.M.P.No.6391 of 2019 and the same was ordered on 07.01.2020 by imposing condition that the second respondent should deposit a sum of Rs.3,78,000/- before the learned Judicial Magistrate No.I, Madurai. However, the second respondent failed to comply with the said condition and also failed to surrender before the Court. Thereafter, the first respondent filed final report before the learned Special Judicial Magistrate, Special Court for Exclusive Trial of Land Grabbing Cases, Madurai and the same was taken on file in C.C.No.55 of 2019. However, the second respondent failed to comply with the above said condition. Hence, the petitioner filed the present petition.



Crl.O.P.(MD)No.14171 of 2023

WEB COPY

3.The learned Additional Public Prosecutor appearing for the first respondent would submit that the second respondent herein was showing as absconding accused in the final report and thereafter, non-bailable warrant was issued and the same was also recalled. The second respondent herein did not avail the benefits of the anticipatory bail granted by the Sessions Court. Hence, this petition has no merits and the same is liable to be dismissed.

4.The learned counsel appearing for the second respondent would submit that the second respondent filed anticipatory bail petition before the Sessions Court and the same was also ordered. However, the second respondent did not surrender and execute bond as directed by the Sessions Court and he did not avail the benefits of the anticipatory bail granted by the Court below. After filing final report, non-bailable warrant was issued as against the second respondent. Thereafter, he filed re-call petition before this Court in Crl.O.P.(MD)No.7596 of 2022 and the same was also ordered and NBW was also recalled. Therefore, the present petition has no merits.

5.Heard both sides and perused the materials available in the records.



Crl.O.P.(MD)No.14171 of 2023

WEB COPY

6. On perusal of records, it is noticed that the Principal Sessions Court, Madurai granted anticipatory bail to the second respondent in Crl.M.P.No.6391 of 2019 dated 07.01.2020 by imposing condition that second respondent should deposit a sum of Rs.3,78,000/- before the learned Judicial Magistrate No.I, Madurai. But, the second respondent did not surrender and not availed the benefits of anticipatory bail. He remained absconding. Thereafter, final report came to be filed by the respondent police by showing the second respondent herein as absconding accused. Hence, NBW came to be issued to secure the accused. Thereafter, the second respondent filed recall petition and the same was also allowed and NBW was also recalled. Since the anticipatory bail granted to the second respondent was not availed by him, the present petition is not maintainable. Accordingly, this criminal original petition is dismissed.

sd/-
16/10/2023

/ TRUE COPY /

/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

gns



Crl.O.P.(MD)No.14171 of 2023

TO COPY

- 1.THE PRINCIPAL DISTRICT JUDGE, MADURAI
- 2.THE JUDGE,
SPECIAL JUDICIAL MAGISTRATE COURT FOR
EXCLUSIVE TRIAL OF LAND GRABBING CASES,
MADURAI.
- 3.THE JUDICIAL MAGISTRATE,
MADURAI.
- 4 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.
5. THE INSPECTOR OF POLICE,
DCB, MADURAI
DISTRICT POLICE OFFICE,
MADURAI-625 007
- 6.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.J.SELVARAJAN, Advocate (SR-15366[I] dated 18/10/2023)

ORDER
IN

CRL OP(MD) No.14171 of 2023

Date :16/10/2023

RK/JGB (17/11/2023) 5P / 8C

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