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CrI.O.P.(MD)No.18666 of 2023



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **30.11.2023**

CORAM:

THE HONOURABLE MR.JUSTICE **G.ILANGO VAN**

CrI.O.P.(MD) No.18666 of 2023

Arunachalam

... Petitioner/Accused

Vs.

1.The Deputy Superintendent of Police
Colachel Division
Kanyakumari District.

2.The Inspector of Police
Kollencode Police Station
Kanyakumari District.
Crime No.43/2012

...Respondents No.1 and 2/
Complainants

3.A.Hariharan

...Respondent No.3/Defacto
Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the learned Judicial Magistrate No.2, Kuzhithurai, to consider the bail application on the same day of surrender of the petitioner in PRC No.29 of 2016 on the file of the learned Judicial Magistrate No.2, Kuzhithurai.

For Petitioner : Mr.S.Sivakumar

For R1 & R2 : Mr.M.Sakthi Kumar
Government Advocate (CrI.side)



ORDER

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This Criminal Original Petition is filed to direct the learned Judicial Magistrate No.2, Kuzhithurai, to consider the bail application on the same day of surrender of the petitioner in PRC No.29/2016 on the file of the learned Judicial Magistrate No.2, Kuzhithurai.

2.The learned Government Advocate (Crl.side) would submit that during the course of investigation, this petitioner was absconding. This cannot be accepted, since he is working as Constable in Kanyakumari District. At that time of filing the Final Report, he is shown as absconding accused, which ought not to have been done.

3. However, report was called for from the concerned trial Court. The report is received, stating that because of non appearance of this petitioner, warrant was issued.

4. The warrant ought not to have been issued at the first instance. Now the committal process is under way. Let the petitioner appear before the committal Court, set out the facts and circumstances and execute bond under Section 88 of Cr.P.C. to the satisfaction and as required by the trial Court. The committal Court shall accept the bond be executed by



the petitioner, since he has not going to abscond, owing to his job nature.

Even though specific direction cannot issue to the committal Court to act in a particular manner, considering the above said circumstances, this direction is issued.

5. With the above said directions, this Criminal Original Petition is disposed of.

30.11.2023

Index : Yes/No
Internet : Yes/No
Indu

To

- 1.The learned Judicial Magistrate No.2,
Kuzhithurai.
- 2.The Deputy Superintendent of Police
Colachel Division
Kanyakumari District.
- 3.The Inspector of Police
Kollencode Police Station
Kanyakumari District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGOVAN. J.

Indu

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