



Crl.O.P.No.30500 of 20--

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.12.2024

CORAM :

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.30500 of 2024

S.Deivasigamani

...Petitioner/A2

Vs.

The State Rep by,
Sub-Inspector of Police,
City Crime Branch - I,
Coimbatore District.

...Respondent/Complainant

Prayer : Criminal Original Petition filed under Section 528 of Code of Criminal Procedure, to set aside the returned Docket order made in Crl.M.P.No.(SR).No.349/2024 dated 25.11.2024 passed by the learned Judicial Magistrate No-7 at Coimbatore and consequently direct the learned Magistrate to take the case on file and pass appropriate order on merits accordance with law.

For Petitioner : Mr.R.Sankarasubbu
for
Mr.T.Balachandran

For Respondent : Mr.S.Sugendran



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Additional Public Prosecutor

ORDER

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The petition is to direct the learned Judicial Magistrate No.7, Coimbatore to number the Crl.M.P.(SR.)No.349/2024 dated 25.11.2024 and dispose of it on merits.

2 (a). Mr. R. Sankarasubbu, the learned counsel for the petitioner/A2, would submit that the petitioner was formally arrested on 22.11.2024 in Crime No.64 of 2024, while he was in custody in another case in Crime No.31 of 2024 on the file of the respondent; and that when the petitioner filed the bail petition, the learned Magistrate returned the bail petition stating that the petitioner/A2 was not arrested.

(b) The learned counsel for the petitioner would submit that the arrest memo clearly states that the petitioner was arrested in Crime No.64 of 2024 while he was in custody in Coimbatore Central Prison for some other crime and therefore, the learned Magistrate ought not to have returned the bail petition.



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3. Mr.S.Sugendran, the learned Additional Public Prosecutor for the respondent, on instructions, would submit that the petitioner/A2 was arrested on 12.11.2024 at 13.30 hours while he was in custody in Coimbatore Central Prison. The learned Additional Public Prosecutor also produced a copy of the report filed by the respondent to the learned Magistrate dated 22.11.2024, confirming the said fact.

4. In view of the submissions made on either side, this Court is of the view that the order returning the petition for bail cannot be sustained. The learned Magistrate ought to have verified the facts and then returned the petition. The petition for bail is filed in exercise of one's right and such a petition cannot be disposed of in a casual manner. Therefore, the learned Judicial Magistrate No.7, Coimbatore, is directed to number the bail petition and dispose of the same in accordance with law as expeditiously as possible.



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5. Accordingly, the Criminal Original Petition stands disposed of.

05.12.2024.

Index : yes/no

Neutral citation : yes/no

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Note: Issue Order Copy today.

Copy to:-

1.The Judicial Magistrate No.7,
Coimbatore.

2.The Sub-Inspector of Police,
City Crime Branch - I,
Coimbatore District.

3.The Public Prosecutor
High Court of Madras,
Chennai – 600 104.



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SUNDER MOHAN,J.

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05.12.2024