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Crl.OP.No.3751 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-03-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO. 3751 of 2025

C.Vijay

Son of Mr. Chandrasekar, Flat No. 702, Tower
- 16, Emaar Apartments, No. 75, New
Vaidyanathan Street, Tondiarpet, Chennai-
600081
CI.

Petitioner(s)

Vs

1. The Assistant Commissioner Of Police,
Red Hills Range, Chennai.

2. The Inspector Of Police
E-4, Kattur Police Station, Chennai.

3. Manigandan,
S/o.Selvaraj, No.154, Perumal Koil Street,
Vellavoyal, Thiruvallur District.

Respondent(s)

PRAYER:

To enlarge the petitioner on Anticipatory Bail in S.C.No.128 of 2024,
pending investigation on the file of the Principal Judge, Thiruvallur and
pass such other orders.

For Petitioner(s): Mr.Vijay D

For Respondent(s): Mr.S.Santhosh (for R1 & R2)
Government Advocate (Crl. Side)
Mr.P.Gowtham (for R3)
Legal Aid counsel



ORDER

This Criminal Original Petition has been filed to enlarge the petitioner on Anticipatory Bail in SC.No.128 of 2024, pending investigation on the file of the learned Principal Judge, Thiruvallur, for the offences under Sections 147, 148 and 302 of IPC registered in Cr.No.125 of 2021.

2. It is the case of the prosecution that on 09.05.2022, the accused chased the defacto complainant's father due to prior enmity and caused his death.

3. The petitioner was not arrested during the investigation and a final report was filed before the Special Court in SC No.128 of 2024 showing him as absconding.

4. The learned counsel for the petitioner would submit that he was not aware that he is an accused in this case; that he was not apprehended during investigation; that A17, a similarly placed accused had filed anticipatory bail before the Sessions Court which was dismissed; that on appeal, this Court had directed him to execute a bond under Section 88 of the Cr.P.C. in terms of Rule 24 of the Criminal Rules of Practice.



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5. The learned Government Advocate (Crl.Side) confirmed the aforesaid facts and submitted that the petitioner was not arrested during the investigation; that the final report has now been filed; and that the petitioner's role is similar to the role of A17.

6. Since the charge sheet accuses the petitioner of commission of offences under the SC/ST Act, this Court had issued notice to the defacto complainant. In spite of the notice being served through the respondent police station, none had entered appearance. Hence, this Court appointed Mr.Gowtham, Advocate to assist this Court.

7. It is seen from the records produced that the petitioner is arrayed as A18 in the final report. A similarly placed accused A17 had filed a petition for anticipatory bail before the Sessions Court and the same was dismissed since the accused was charged for the offences under the SC/ST Act. This Court on appeal in Crl.A.No.1303 of 2024 considering the fact that the final report had been filed had directed A17 to execute a bond under Section 88 of the Cr.P.C., in terms of Rule 24 of the Criminal Rules of Practice. The said order was passed by me on 12.11.2024.

8. On perusal of the order, it is seen that though the accused therein was directed to execute a bond under Section 88 of the Cr.P.C., the final portion of the order in Crl.A.No.1303 of 2024 reads as if, anticipatory



bail was granted to the accused. A mistake has crept in the order.

However it is now reported that the accused therein had executed the bond and sureties in terms of the said order. But it is made clear that the said order was intended to direct the accused to execute the bond under Section 88 of the Cr.P.C., in terms of Rule 24 of the Criminal Rules of Practice. Since the accused therein had already executed the bond, it would make no difference and at this stage, this Court is not inclined to modify the said order.

9. Since the allegations against the petitioner discloses the offences under the SC/ST Act, the petition seeking anticipatory bail may not be maintainable. However, the final report has now been filed and since the petitioner was not apprehended during investigation, he may be directed to execute a bond under Section 88 of the Cr.P.C., in terms of Rule 24 of the Criminal Rules of Practice.

10. With the above observations, the Criminal Original Petition stands closed.

17.03.2025

AT/ars



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SUNDER MOHAN, J.

AT/ars

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To

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Red Hills Range,
Chennai

2. The Inspector Of Police
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Chennai.

3. Manigandan,
S/o.Selvaraj,
No.154, Perumal Koil Street,
Vellavoyal, Thiruvallur District.

4. The Public Prosecutor,
High Court, Madras

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