

ITEM NO.7

COURT NO.5

SECTION II-C

**S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S**

Petition(s) for Special Leave to Appeal (Crl.) No(s). 13489/2023

(Arising out of impugned final judgment and order dated 15-09-2023 in CRLOP(MD) No. 14718/2023 passed by the High Court Of Judicature At Madras At Madurai)

M. SENTHIL @ SENTHIL KUMAR

Petitioner(s)

VERSUS

THE STATE OF TAMIL NADU

Respondent(s)

(FOR ADMISSION and I.R. and IA No.215230/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.215231/2023-EXEMPTION FROM FILING O.T.)

Date : 19-10-2023 This petition was called on for hearing today.

**CORAM : HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE DIPANKAR DATTA**

**For Petitioner(s) Mr. A. Lakshminarayanan, AOR
Mr. T. Ebinezer, Adv.
Mr. Abbas, B, Adv.**

**For Respondent(s) Mr. Beno Bencigar, Adv.
Mr. Parijat Kishore, AOR**

**UPON hearing the counsel the Court made the following
O R D E R**

- 1 The petitioner is aggrieved by order dated September 15, 2023 passed by the High Court of Judicature at Madras, Madurai Bench whereby his application for grant of anticipatory bail**

bearing CrI.O.P. (MD) No 14718 of 2023 has been disposed of.

- 2 Learned counsel for the de-facto complainant, who is on caveat, informs at the outset that during the pendency of the petition for anticipatory bail, the petitioner was arrested on August 16, 2023. However, the High Court released him on interim bail on the same date to enable him to perform the marriage of his daughter which was scheduled to be solemnised on August 21, 2023. The petitioner was directed to surrender before the Police on August 28, 2023. However, the petitioner did not surrender and later on his application for anticipatory bail has been dismissed by the High Court.
- 3 In our considered view, once the petitioner had been arrested during the pendency of the anticipatory bail application, such an application became infructuous and was not required to be decided on merits.
- 4 The only recourse for the petitioner would, thus, be to surrender before the Police and thereafter apply for regular bail. The petitioner is directed to follow such a recourse. It is clarified that if the petitioner surrenders and applies for regular bail, the said application shall be considered as per its own merits without being influenced by the impugned order passed by the High Court rejecting his application for

VERDICTUM.IN

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anticipatory bail.

5 The special leave petition is, accordingly, disposed of.

6 Pending applications, if any, stand disposed of.

(GULSHAN KUMAR ARORA)
AR-CUM-PS

(PREETHI T.C.)
COURT MASTER (NSH)