



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 30.06.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

Crl.O.P. (MD)No.12010 of 2015

Kuwait Raja @ Ramaraj

... Petitioner/Accused No.17

Vs.

State Rep by
Inspector of Police,
South Police Station, Rajapalayam,
Virudhunagar District.

... Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct learned Judicial Magistrate, Rajapalayam to consider and pass orders on the petition filed u/s 70(2) for recalling the Non Bailable Warrant issued in S.T.C.No.262/2013 on the file of the learned Judicial Magistrate, Rajapalayam, Virudhunagar District in Crime No.313/11 on the file of the Inspector of Police, South Police Station, Rajapalayam, Virudhunagar District on the day of his surrender.

For Petitioners : Mr.P.Chandrasekar

For Respondents : Mr.K.Anbarasan

Government Advocate(Crl. Side)

O R D E R

Seeking a direction to the learned Judicial Magistrate, Rajapalayam to release him on bail, on the same day in the event of his surrender and filing bail application in Crime No.313/11 on the file of the Inspector of Police, South Police Station, Rajapalayam, Virudhunagar District, the petitioner has come up with this petition.

2. The petitioner is accused for offences punishable under Sections 143,188,286 & 109 of IPC.

3. The learned Government Advocate (Crl.Side) on instructions, would submit that a non-bailable warrant is also pending against the petitioner in S.T.C.No.262/2013 on the file of the learned Judicial Magistrate, Rajapalayam, Virudhunagar District.

4. The submissions made by Mr.P.Chandrasekar, learned counsel appearing for the petitioner and by Mr.K.Anbarasan, learned Government Advocate (Crl. Side) representing the respondent were heard. The materials available on record were also perused.

5. Considering the nature of offences alleged against the petitioner, the fact that anticipatory bail cannot be granted in respect of offences punishable under Sections 143, 188, 286 & 109 of IPC and that taking into custody of the petitioner, pending consideration of his bail application could cause him irreparable hardship, this Court considers it appropriate to direct the learned Judicial Magistrate, Rajapalayam to consider the bail application of the petitioner as well as the non-bailable warrant recall petition to be filed by the petitioner on merits and pass appropriate order on the same day of his surrender.



6. This Criminal Original Petition is ordered accordingly.

Sd/-

Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate,
Rajapalayam, Virudhunagar District.
2. The Inspector of Police,
South Police Station, Rajapalayam,
Virudhunagar District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to MR.P.CHANDRASEKAR, Advocate in SR.No. 34889

Pjl

SR : 14.07.2015 : 2p/5c

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