



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Tuesday, the Thirteenth day of January Two Thousand Fifteen

PRESENT

THE HON`BLE MR JUSTICE C.T.SELVAM

CRL OP (MD) No.301 of 2015

1 S.THANGARAJ

2 C.BALU

... PETITIONERS / ACCUSED

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
THONDI POLICE STATION,
RAMANATHAPURAM DISTRICT.
CRIME NO.209/2007

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.D.SHANMUGARAJA SETHUPATHI Advocate

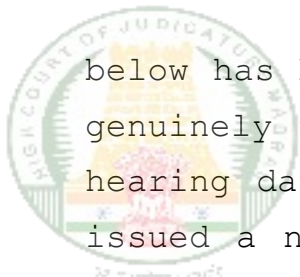
For Respondent : M/S.K.ANBARASAN, Government Advocate(Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners are arrayed as accused and they apprehend arrest at the hands of the respondent police for alleged offences punishable under Section 7 of the Explosive Substance Act, 1908 in S.C. No.41 of 2014 on the file of the learned Subordinate Judge, Ramanathapuram and hence, they have come forward with this petition seeking anticipatory bail.

2.Learned counsel for the petitioner submits that one of the petitioner enjoys the relief of anticipatory bail, while the other has obtained regular bail after his arrest. While so, the case in S.C.No.41 of 2014 on the file of the Subordinate Judge, Ramanathapuram stood posted on 23.12.2014. The petitioners have sought for quashing the charge sheet and all further proceedings in S.C.No.41 of 2014 before this Court by way of filing Crl.O.P.(MD) No.8775 of 2014 and by way orders in M.P.(MD) No.2 of 2014 in Crl.O.P.(MD) No.8775 of 2014, their appearance before the Court



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below has been dispensed with until further orders. The petitioners genuinely thinking that they will be represented as on the earlier hearing date. However, owing to their absence, the trial Court has issued a non-bailing warrant against them on 23.12.2014. Hence, it become necessary to seek the relief of anticipatory bail.

3. Heard the Learned Government Advocate (Crl.side) on the submissions made by the learned counsel for the petitioners.

4. Considering the rival submissions, this Court while dismissing this Criminal Original Petition would grant liberty to the petitioner to file a petition under Section 70(2) of Cr.P.C. for recalling the Non-Bailable Warrant before the learned Magistrate and in the event of filing such an application, the learned Subordinate Judge, Ramanathapuram is directed to consider the same and pass orders on merits on the same day and in accordance with law. It may be noted that for such purpose, it will not be necessary for the petitioner to appear in person before the lower Court.

sd/-
13/01/2015

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE SUBORDINATE JUDGE, RAMANATHAPURAM.
- 2 THE INSPECTOR OF POLICE, THONDI POLICE STATION,
RAMANATHAPURAM DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.D.SHANMUGARAJA SETHUPATHI, Advocate SR.No.1871.

ORDER IN
CRL OP(MD) No.301 of 2015
Date :13/01/2015

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