



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

Thursday, the Seventh day of January Two Thousand Sixteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.24693 of 2015

RAJENDRAN

... PETITIONER/ACCUSED A-1

Vs

STATE REP BY THE COMMISSIONER OF POLICE

TRICHY DISTRICT, TRICHY

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.VEERAKATHIRAVAN Advocate

For Respondent : MR.K.ANBARASAN Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the alleged offence under Section 147, 148, 324, 506(i) and 509 of I.P.C., r/w Section 354(A) and 120(b) of I.P.C., in C.C.No.118 of 2015, on the file of the learned Judicial Magistrate, Thirumangalam, seeks anticipatory bail.

2.According to the petitioner, he was working as a Revenue Divisional Officer. On the basis of the complaint given by one Anitha and others, case was registered against the petitioner. Thereafter, the case was referred to the learned Judicial Magistrate, Thirumangalam on 18.11.2015, due to his official work, he could not appear on that day. The petitioner's counsel filed a petition under Section 317 of Cr.P.C. The learned Magistrate rejected the said petition and issued non-bailable warrant. Subsequently, he is making necessary arrangements for celebrating Vaikunta Ekadasi Festival at Srirangam, as per the direction of the District Collector. After that, on 21.12.2015, the petitioner filed a petition through his counsel for recalling non bailable warrant with memo of appearance. The said petition was dismissed. According to the petitioner, the learned Judicial Magistrate, Thirumangalam informed the respondent police to execute the non-bailable warrant issued by the Court. Therefore, the petitioner has come out with the present petition seeking anticipatory bail on the ground that his non-appearance before the Court on 18.11.2015 and 21.12.2015 is neither willful nor wanton.

3.The learned Government Advocate (Crl.side) submitted that the petitioner did not give any reason for his nonappearance before the



Court and hence, non bailable warrant has been issued and the same is pending before the Judicial Magistrate Court, Thirumangalam.

4. Considering the facts and circumstances of the case, the petitioner is directed to appear before the learned Judicial Magistrate, Thirumangalam on or before 21.01.2016 and file a petition for recalling the non-bailable warrant. The learned Judicial Magistrate is directed to consider the said petition on the same day and pass orders on merits and in accordance with law.

5. Till the learned Judicial Magistrate, Thirumangalam passes orders on merits on the petition for recalling, the respondent police shall not arrest the petitioner.

6. Accordingly, this petition is disposed of.

sd/-

07/01/2016

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE,
THIRUMANGALAM, MADURAI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE, MADURAI.

3 THE ADDL. PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

4 THE COMMISSIONER OF POLICE, TRICHY DISTRICT, TRICHY.

+1. CC to M/S.VEERAKATHIRAVAN Advocate SR.No.1117

ORDER

IN

CRL OP(MD) No.24693 of 2015

Date :07/01/2016

AA/JGB-DP/SAR-II/08.01.2016/2p-6c