



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

Tuesday, the Twenty Ninth day of March Two Thousand Sixteen
PRESENT

The Hon`ble Mr Justice P.N.PRAKASH
CRL OP(MD) No.5371 of 2016

SUDAR OLI PANDIAN

... PETITIONER/ACCUSED No.2
Vs

STATE REP BY THE INSPECTOR OF POLICE
MUKOODAL POLICE STATION, TIRUNELVELI DISTRICT.
(CRIME NO.105 OF 2007) ... RESPONDENT/COMPLAINANT

For Petitioner : M/S K.RAJESHWARAN Advocate
For Respondent : MR.A.P.BALASUBRAMANI Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehended arrest at the hands of the respondent Police for the alleged offences punishable under Section 21(1)(4) of Minor Minerals Act, 1957 r/w Rule 36A of T.N.Minor Mineral Confession Rules, 1959 and Section 379 I.P.C., and Sections 3 and 4 of T.N.P.P.D.L.Act, 1992, in Crime No.105 of 2007, on the file of the respondent Police, seeks anticipatory bail.

2. Heard Mr.K.Rajeshwaran, learned counsel appearing for the petitioner / second accused and Mr.A.P.Balasubramani, learned Government Advocate (Criminal Side) appearing for the State.

3. It is seen that the investigation, in Crime No.105 of 2007, has been completed and final report has also been filed before the learned Judicial Magistrate, Cheranmahadevi, in C.C.No.208 of 2007. It is also seen that during the course of trial, the petitioner / second accused did not appear before the learned Trial Judge, on 20.05.2014, resulting in the learned Trial Judge issuing non-bailable warrant. In a case of this nature, this Court is not inclined to grant anticipatory bail to the petitioner / second accused. However, he shall surrender before the learned Trial Judge within a period of two weeks from the date of receipt of a copy of this Order and file an application for recalling the non-bailable warrant, which shall be considered by the learned Trial Judge on merits on the same day. Accordingly, this criminal original petition is dismissed.

sd/-
29/03/2016

/ TRUE COPY /



1 THE JUDICIAL MAGISTRATE, CHERANMAHADEVI

2 THE INSPECTOR OF POLICE
MUKOODAL POLICE STATION, TIRUNELVELI DISTRICT.

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

+1. CC to M/S K.RAJESHWARAN Advocate SR.No.17398

ORDER

IN

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Date :29/03/2016

AA/GSV-PM/SAR-I/04.04.2016/2p-5c