



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

Thursday, the Twenty First day of April Two Thousand Sixteen

PRESENT

The Hon`ble Mr Justice G.CHOCKALINGAM

CRL OP(MD) No.6595 of 2016

JOTHI

... PETITIONER / ACCUSED

Vs

STATE REP. BY

THE INSPECTOR OF POLICE

MIMISAL POLICE STATION,

PUDUKKOTTAI DISTRICT.CR. NO.21/2006

... RESPONDENT / COMPLAINANT

For Petitioner : M/S K.VAMANAN Advocate

For Respondent : Mr.P.KANNITHEVAN, Government Advocate (Crl. Side)

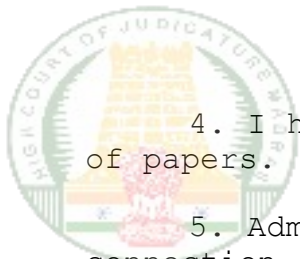
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Section 406 I.P.C., in C.C.No.333 of 2006, on the file of learned Judicial Magistrate, Aranthangi, seeks anticipatory bail.

2.The learned counsel for the petitioner submitted that the petitioner purchased a land in Survey No.203 situated in Alathur Village, Avudayarkoil Taluk, Pudukottai District from the *defacto* complainant for Rs.3,45,000/- and at the time of execution of sale deed, the petitioner gave part of the sale consideration and assured to pay the balance sale consideration of Rs.2,00,000/-, within a period of six months. Since the petitioner has not made any payment, as assured, the *defacto* complainant lodged a complaint, based on which, the present case has been registered by the respondent police. After due investigation, the respondent police laid a charge sheet against the petitioner and the same was taken on file as C.C.No.333 of 2006 by the learned Judicial Magistrate, Aranthangi. The petitioner regularly appeared before the said Court, but, due to ill-health, he was unable to make his appearance on 24.03.2016 in the said case and hence, the learned Magistrate issued a Non-bailable warrant against him. The learned counsel further submitted that the petitioner is the Vice-Chairperson of Avudayarkoil Village Panchayat Union and he had no bad antecedents and hence, the learned counsel prays for the release of the petitioner on anticipatory bail.

3. The learned Additional Public Prosecutor submitted that due to non-appearance of the petitioner on 24.03.2016 in C.C.No.333 of 2006, a Non-bailable warrant was issued against him and the same is pending and hence, he prays for dismissal of this petition.



4. I have considered the rival submissions and perused the typed-set of papers.

5. Admittedly, for non-appearance of the petitioner on 24.03.2016 in connection with the case in C.C.No.333 of 2006, the learned Judicial Magistrate, Aranthangi, issued a non-bailable warrant against him. It is also admitted that in the case of 2006, if the petitioner is not able to make his appearance on the date of hearing, due to ill-health, he can very well represent the said fact to the Magistrate concerned on filing proper petition, but the petitioner failed to make such attempt, which resulted in issuance of non-bailable warrant on 24.03.2016. In such circumstances, this Court is of the view that the argument of the learned counsel for the petitioner that the petitioner may be released on anticipatory bail is liable to be rejected and accordingly, this petition is dismissed. However, the petitioner is directed to surrender before the Magistrate concerned, within a period of one week from the date of receipt of a copy of this order and file an application to recall the warrant and on such application being filed, the Magistrate concerned shall pass orders on merits and in accordance with law on the same day itself.

sd/-
21/04/2016

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

TO

1. THE JUDICIAL MAGISTRATE
ARANTHANGI
 2. -do- thro' THE CHIEF JUDICIAL MAGISTRATE
PUDUKOTTAI DISTRICT
 3. THE INSPECTOR OF POLICE
MIMISAL POLICE STATION, PUDUKKOTTAI DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S K.VAMANAN Advocate SR.No.23322

ORDER
IN
CRL OP(MD) No.6595 of 2016
Date :21/04/2016

SML
SH/AAL-MPA/SAR-I:26.04.2016:2P/6C