



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

Monday, the Third day of April Two Thousand Seventeen

PRESENT

The Hon`ble Mrs.Justice J.NISHA BANU

CRL OP(MD) No.3766 of 2017

BAIJU

... PETITIONER/ACCUSED NO.I

Vs

THE STATE REP.BY,  
THE INSPECTOR OF POLICE,  
KOLLENCODE POLICE STATION,  
KANYAKUMARI DISTRICT.  
CRIME NO.93 OF 2013.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.S.SIVAKUMAR Advocate

For Respondent : MRS.S.PRABHA, Govt. Advocate ( Crl. Side)

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

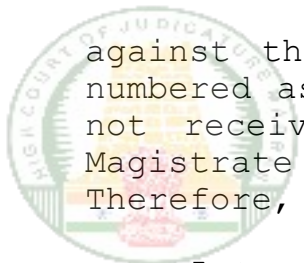
ORDER : The Court Made the following order :-

The petitioner, who is the accused No.1 in Crime No.93 of 2013 on the file of the respondent police, apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 294(b), 353, 506(i) IPC and Section 3 of TNPPDL Act, which is now pending in P.R.C.No.5 of 2016 on the file of the learned Judicial Magistrate No.II, Kuzhithurai and hence, seeks anticipatory bail.

2.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondent/State.

3. The learned Government Advocate (Crl. Side) on instructions submitted that due to absence of the petitioner, non-bailable warrant was issued against the petitioner by the trial Court on 02.02.2016. He further submitted that the case is pending before the Court concerned without any progress, because of the pendency of Non-bailable warrant against the petitioner and that the next hearing date is 27.04.2017.

4.At this juncture, the learned counsel for the petitioner submitted that originally the final report filed by the respondent was taken up on file by the learned Judicial Magistrate No.II, Kuzhithurai in P.R.C.No.21 of 2015 and subsequently, the case



against the petitioner was split up on 02.09.2015 and separately numbered as P.R.C.No.5 of 2016. But, till date the petitioner did not receive any summons from the Court. While so, the learned Magistrate has issued NBW against the petitioner on 02.02.2016. Therefore, he prayed to grant anticipatory bail.

5. Considering the fact that non-bailable warrant was issued against the petitioner, this Court directs the petitioner to surrender before the learned Judicial Magistrate No.II, Kuzhithurai and to file a petition for recalling the warrant within 10 days from the date on which the order copy made ready and the learned Magistrate is directed to consider the same on the same day of his surrender and pass orders on merits and in accordance with law.

6. Accordingly, this petition is disposed of.

sd/-

03/04/2017

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II, KUZHITHURAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
KANYAKUMARI DISTRICT AT NAGERCOIL.
- 3 THE INSPECTOR OF POLICE,  
KOLLENCODE POLICE STATION, KANYAKUMARI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.S.SIVAKUMAR Advocate SR.No.18877

GCG

CSL/CM/SAR-II/04.04.2017 : 2P/6C

ORDER

IN

CRL OP(MD) No.3766 of 2017

Date : 03/04/2017