



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

Friday, the Tenth day of February Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL OP (MD) No.516 of 2017

V.K.T.PARAMESWARAN

... PETITIONER/ACCUSED RANK NOT KNOWN

Vs

THE STATE REP.BY ,
THE INSPECTOR OF POLICE,
Y.OTHAKADAI POLICE STATION,
MADURAI DISTRICT.
CRIME NO.236 OF 2008

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.R.ANAND Advocate

For Respondent : MR.P.KANDASAMY, 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 sole accused, in Crime No.236 of 2008 on the file of the respondent police, apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 406, 420 and 506(i) I.P.C, which is now pending in C.C.No.324 of 2008 on the file of the Judicial Magistrate, Melur, Madurai District, 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 counsel for the petitioner submitted that the petitioner obtained bail in this matter already and Non-Bailable Warrant was issued by the trial Court, since he was absent and Non-Bailable Warrant is still pending.

4.The learned Government Advocate (Crl. Side) on instructions submitted that the petitioner herein is the sole accused in C.C.No.324 of 2008 pending on the file of the Judicial Magistrate, Melur, Madurai District and Non-Bailable Warrant was issued against the petitioner for his absence and Non-Bailable Warrant is still pending. Because of the pendency of Non-Bailable Warrant against the petitioner herein, there is no progress in this case.



5.A report was called for from the concerned Judicial Magistrate, Melur, on 06.02.2017, regarding the status of the case pending in C.C.No.324 of 2008.

6.Report was received, in which it is stated that the petitioner was absent on 19.06.2012 and Non-Bailable Warrant was issued and thereafter recalled on 10.12.2012 and again on 26.03.2013, the accused was absent and Non-Bailable Warrant was issued and the same was recalled on 28.11.2013. Again the petitioner was absent on 21.10.2016 and since his counsel on record represented 'no instruction', Non-Bailable Warrant was issued against the accused and the same is still pending. The Station House Officer also has not given any explanation for the notice issued by the concerned Court.

7.Considering the above facts and circumstances of the case, this Court is inclined to direct the petitioner to surrender before the learned Judicial Magistrate, Melur, Madurai District 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 Judge, is directed to consider the same on the same day and pass orders on merits in accordance with law.

8.Accordingly, this Criminal Original Petition is disposed of.

sd/-

10/02/2017

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, MELUR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MELUR.
- 3 THE INSPECTOR OF POLICE,
Y.OTHAKADAI POLICE STATION, MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECTUOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.R.ANAND Advocate SR.No.7661

PS

CSL/BS/SAR-III/15.02.2017 : 2P/6C

ORDER

IN

CRL OP(MD) No.516 of 2017

Date :10/02/2017