



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

Monday, the Seventeenth of July Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) No.9097 of 2017

P.AJIKUMAR

... PETITIONER/ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
ARUMANAI POLICE STATION,
KANYAKUMARI DISTRICT,
CRIME NO.149/2009.

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.S.SAJI BINO Advocate

For Respondent : MR.A.RAMAR, ADDITIONAL PUBLIC PROSECUTOR

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

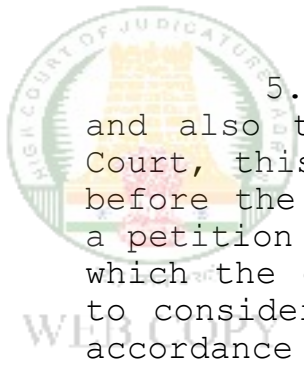
ORDER : The Court Made the following order :-

The petitioner, who is the accused, in Crime No.149 of 2009 on the file of the respondent police, apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 341, 323, 325 and 506(ii) I.P.C., which is now pending in C.C.No.318 of 2016 on the file of the learned Judicial Magistrate No.I,Kuzhithurai, seeks anticipatory bail.

2.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent/State.

3.The learned counsel for the petitioner submitted that during the pendency of the trial, due to poverty the petitioner went to Kerala and he is not in a position to contact his Advocate and hence for non-appearance of the petitioner Non-Bailable Warrant was issue, the non-appearance is neither willful nor wanton.

4.The learned Additional Public Prosecutor on instructions submitted that the petitioner herein is the accused in C.C.No.318 of 2016 on the file of the learned Judicial Magistrate No.I, Kuzhithurai and Non-Bailable Warrant was issued against the petitioner on 14.06.2012 for his absence and Non-Bailable Warrant is still pending.



5.Considering the above facts and circumstances of the case and also the reason assigned for non-appearance before the trial Court, this Court is inclined to direct the petitioner to surrender before the learned Judicial Magistrate No.I,Kuzhithurai and to file a petition for recalling the warrant within 15 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.

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

sd/-
17/07/2017

/ TRUE COPY /

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

PS
TO

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

+1. CC to M/S.S.SAJI BINO Advocate SR.No.26601

GJM/BS/SAR-2-21.7.17-2P-6C

ORDER
IN
CRL OP(MD) No.9097 of 2017
Date :17/07/2017