



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

Tuesday, the Third day of January Two Thousand Seventeen

PRESENT

WEB COPY

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

CRL OP(MD) No.23762 of 2016

MANOHARAN

... PETITIONER / ACCUSED

Vs

THE STATE REP.BY  
THE INSPECTOR OF POLICE,  
MADURAI,P.E.W. MADURAI.  
(CRIME NO.1071/1993)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.V.MURUGAN, Advocate

For Respondent : MR.P.KANDASAMY, Government Advocate(Crl.Side)

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

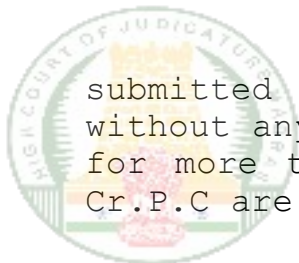
**ORDER :** The Court Made the following order :-

The petitioner, who is arrayed as accused, in Crime No.1071 of 1993 on the file of the respondent police, apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 4(a) (i) and 4(1) A (ii) of T.N.P. Act which is now pending in S.C.No.245 of 1994 on the file of the III Additional Assistant Sessions Judge, Madurai, 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 has been regularly appearing before the concerned Court and he was informed by one police constable of the respondent police that the above said case was closed and believing his words, the petitioner has not appeared before the trial Court and no intimation was given by the respondent police for the past 23 years and due to absence of the petitioner, non-bailable warrant was issued against the petitioner by the trial Court. He further submitted that in the above case, petitioner was released on bail and now the case is pending for framing of charges against the accused.

4. The learned Government Advocate(Crl. Side) on instructions submitted that the petitioner is an accused in the case, which relates to the year 1993 and due to the absence of the petitioner, non-bailable warrant was issued against the petitioner. He further



submitted that the case is pending before the Court concerned without any progress because of the pendency of Non-bailable warrant for more than twenty years and proceedings under Section 82(2) of Cr.P.C are also initiated against the petitioner.

5. Considering the fact that non-bailable warrant was issued against the petitioner for his absence, there shall be a direction, directing the petitioner to surrender before the learned III Additional Assistant Sessions Judge, Madurai 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.

6. Accordingly, this petition is disposed of.

sd/-

03/01/2017

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1 THE III ADDITIONAL ASSISTANT SESSIONS JUDGE, MADURAI.

2 -DO-THRO' THE PRINCIPAL SESSIONS JUDGE, MADURAI.

3 THE INSPECTOR OF POLICE, MADURAI, P.E.W. MADURAI.

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

+1. CC to M/S.V.MURUGAN, Advocate SR.No.333.

ORDER IN

CRL OP(MD) No.23762 of 2016

Date :03/01/2017

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