

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twenty Fifth day of June Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL ORIGINAL PETITION No.15550 of 2018

IN

C.C.NO.7 OF 2017

(On the file of the learned District Munsif-cum-Judicial
Magistrate, Uthukottai, Tiruvallur District)

1 SETTU [PETITIONERS / ACCUSED]
2 MANIKANDAN
3 PRABHAKARAN

Vs

STATE BY [RESPONDENT]
THE INSPECTOR OF POLICE,
UTHUKOTTAI POLICE STATION,
TIRUVALLUR DISTRICT.
CR.NO.54 OF 2014.

For Petitioner : M/S.K.DILLI BABU Advocate

For Respondent : MR.C.IYYAPPARAJ, ADDITIONAL PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioners, who apprehends the arrest at the hands of respondent police pursuant to a Non Bailable Warrant issued against them in C.C.No.7 of 2017, which is pending on the file of the learned District Minsif-cum-Judicial Magistrate, Uthukottai, Tiruvallur District, seek anticipatory bail.

2. The learned counsel for the petitioner would submit that the case relates to offence under Sections 147, 148, 294(b) and 506(ii) of IPC and Section 4 of the Tamil Nadu Prohibition of Women Harassment r/w Section 3(ii) of TNPPDL Act.

3. The learned Additional Public Prosecutor submitted that the petitioners are originally granted anticipatory bail in Crl.M.P.No.483 of 2014 by order dated 16.02.2015 and thereafter, they did not comply with the condition and thereby, absconding charge sheet was filed and that Non Bailable Warrant has been issued by the learned District Minsif-cum-Judicial Magistrate, Uthukottai, Tiruvallur District on 15.05.2018.

4. In view of the above position, the relief available to the petitioners is to surrender before the learned Magistrate concerned and file a petition U/s.70(2) of Cr.P.C. to recall the Non Bailable Warrant of Arrest issued against them. Therefore, the question of granting anticipatory bail does not at all arise.

5. Considering the fact that the non-bailable warrant is pending against the petitioners, the petitioners are directed to surrender before the Trial Court i.e., the learned District Minsif-cum-Judicial Magistrate, Uthukottai, Tiruvallur District, and file a petition under Section 70(2) of Cr.P.C. to recall the non bailable warrant on the same day. On filing of such petition, the learned District Minsif-cum-Judicial Magistrate, Uthukottai, Tiruvallur District, is directed to consider the said petition on merits and pass orders on the same day.

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

-sd/-
25/06/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE INSPECTOR OF POLICE,
UTHUKOTTAI POLICE STATION,
TIRUVALLUR DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE DISTRICT MUNSIF-CUM-
JUDICIAL MAGISTRATE,
UTHUKOTTAI, TIRUVALLUR DISTRICT.

+1 CC to M/S.K.DILLI BABU Advocate on payment of necessary charges in SR.NO. 11501

CRL OP.15550/2018

Date :25/06/2018

MLT-29/06/2018