



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

Thursday, the Fifteenth day of February Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.2393 of 2018

SARAVANAN,

... PETITIONERS/ACCUSED No.1

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
ARANTHANGI POLICE STATION,
PUDUKKOTTAI DISTRICT.
(CRIME NO.555 OF 2011)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.M.SURESH Advocate

For Respondent : MR.A.ROBINSON, Govt. Advocate (Crl. Side)

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

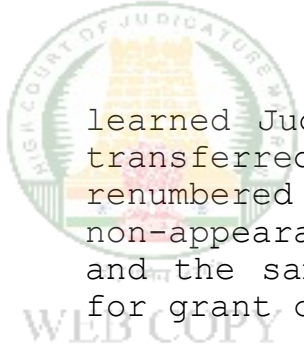
ORDER : The Court Made the following order :-

The petitioner/Accused No.1, apprehends arrest at the hands of the respondent police for the offence punishable under Sections 324 and 506(ii) of IPC., altered into Sections 326, 323 and 506(ii) of IPC., in Crime No.555 of 2011, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused assaulted the defacto complainant by using iron rod and threatened him with dire consequences. Hence, the case has been registered for the above said crime.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioner. It is a case of case and counter.

4. The learned Government Advocate (Criminal Side) appearing for the respondent, on instructions would submit that after completion of investigation, final report has been filed and the same was taken on file as C.C.No.448 of 2011, on the file of the



learned Judicial Magistrate, Aranthangi and later on, the case was transferred to Essential Commodities Court, Pudukkottai and renumbered as C.C.No.40 of 2015. At the time of trial, due to the non-appearance of the petitioner, non-bailable warrant was issued and the same is pending. Now, the petitioner approached this Court for grant of anticipatory bail.

5. The submissions made by the learned counsels appearing for either side are considered. Previously, in Crime No.555 of 2011, which pertaining to this application, bail was granted by the trial Court, thereby, after completion of investigation, final report has been filed and the same was taken on file by the learned Judicial Magistrate, Aranthangi, in C.C.No.448 of 2011. Thereafter, for various reasons, this case has been transferred to the file of the Essential Commodities Court, Pudukkottai and assigned with C.C.No.40 of 2015. In the above proceedings in the Essential Commodities Court, the petitioner was not appeared, due to which non-bailable warrant was issued against the petitioner. In the above circumstances, the petitioner herein filed this application for grant of anticipatory bail instead of filing an application for recalling the non-bailable warrant. So, this Court is not inclined to allow this application. Accordingly, this Criminal Original Petition is dismissed. However, the petitioner is at liberty to file an application for recalling the warrant before the Essential Commodities Court, Pudukkottai.

sd/-
15/02/2018

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

TO

- 1 THE JUDICIAL MAGISTRATE, ARANTHANGI
- 2 THE CHIEF JUDICIAL MAGISTRATE, PUDUKKOTTAI DISTRICT
- 3 THE INSPECTOR OF POLICE, ARANTHANGI POLICE STATION,
PUDUKKOTTAI DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1. CC to M/S.M.SURESH Advocate SR.No.2579

ORDER
IN
CRL OP(MD) No.2393 of 2018
Date :15/02/2018