



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

Tuesday, the Seventeenth day of July Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD) No.12092 of 2018

N.NAZAR KHAN

... PETITIONER/ ACCUSED NO.4

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
THANJAVUR DISTRICT.
CRIME NO.3 OF 2002.

... RESPONDENT / COMPLAINANT

For Petitioner : MR.I.PINAYGASH, Advocate

For Respondent : Mr.A.ROBINSON, Government Advocate(Crl.Side)

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

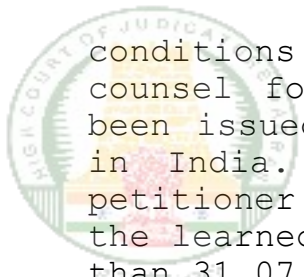
ORDER : The Court Made the following order :-

The petitioner is shown as an accused in Crime.No.3 of 2002 along with others. Final report has been filed and the same was taken on file in C.C.No.783 of 2009 on the file of the learned Judicial Magistrate Court, Pattukottai. On account of the abscondance of the petitioner, the case was split up. It appears that the co-accused was acquitted. But, the learned Government Advocate (Crl.Side) points out that they were released under Section 4(1) of Probation of Offenders Act.

2.The petitioner is said to be working as a coolie worker in Dubai. He comes to India on 27.07.2018 and he is likely to be in India for atleast 40 days. The learned counsel for the petitioner undertakes that the petitioner will appear before the Judicial Magistrate Court and co-operate for conclusion of the trial.

3.Recording the said undertaking, the petitioner is permitted to appear before the learned Judicial Magistrate, Pattukottai and apply for recall of warrant that was issued against him in C.C.No.283 of 2009. On such application being filed, the learned Magistrate is directed to recall the Non Bailable Warrant on the same day.

4.The learned counsel for the petitioner further undertakes that the petitioner will not leave from India till the case is over. It is open to the concerned Magistrate to impose appropriate



conditions for recalling the Non Bailable Warrant. The learned counsel for the petitioner apprehended that since the notice has been issued, the petitioner may be arrested at the time of landing in India. Therefore, Non Bailable Warrant issued against the petitioner shall be put on hold till the petitioner appears before the learned Judicial Magistrate, Pattukottai. It shall not be later than 31.07.2018.

5. With these directions, the Criminal Original Petition is allowed.

sd/-
17/07/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, PATTUKOTTAI.
 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
 3. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH, THANJAVUR DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to MR.I.PINAYGASH Advocate SR.No.13240

ORDER
IN
CRL OP(MD) No.12092 of 2018
Date :17/07/2018

MS/VR/VK/20.07.2018/2P.6C