



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

Wednesday, the Nineteenth day of December Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.22255 of 2018

LIYAKATH ALI KHAN

... PETITIONER / ACCUSED

Vs

STATE REP.BY

THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
PATTUKOTTAI DISTRICT,
(REF: CRIME NO.7/2012)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.A.RAJA MOHAMED Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Government Advocate(Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 417, 493, 294(b) and 506(i) of IPC and Section 4 of the Women Harassment Act, which is now pending in C.C.No.617 of 2013 on the file of the learned Judicial Magistrate Court, Pattukottai, seeks anticipatory bail.

2. The contention of the petitioner is that he is working in Dubai as contract labour for the past three years and he has gone to that place to earn his living and to sustain himself and his family, comprising of his wife and two children, who are studying in school. The petitioner, now intends to return to India since his contract is over. Non-Bailable warrant(NBW) was issued against the petitioner for his non-appearance before the trial Court on 20.05.2015. The said non-appearance is neither willful nor wanton. But, due to the reason beyond his control, he could not appear before the trial Court on the said date.

3. The learned counsel appearing for the petitioner undertakes that the petitioner shall appear before the Court below regularly on all future hearing dates without fail.



4. The learned Government Advocate (Criminal side) submits that the offence is of the year 2012 and C.C.No.617 of 2013 is pending without any progress due to the absence of the petitioner and also submitted that the petitioner is the sole accused. He also makes it clear that no proceedings has been initiated in issuance of look out circular.

5. Considering the undertaking given by the petitioner, the petitioner is directed to appear before the learned Judicial Magistrate Court, Pattukottai within a period of two weeks from the date of receipt of a copy of this order and to file a petition to recall the NBW issued against him. The concerned Magistrate is directed to consider the same on merits and pass orders on the same day.

6. With the above observation, this Criminal Original Petition is disposed of.

sd/-
19/12/2018

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

TO

1. THE JUDICIAL MAGISTRATE, PATTUKOTTAI
2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
PATTUKOTTAI DISTRICT
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
PATTUKOTTAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to MR.A.RAJA MOHAMED Advocate SR.No.23754

ORDER
IN
CRL OP (MD) No.22255 of 2018
Date : 19/12/2018

AE/PN-AC/SAR3/31.12.2018/2P/6C