



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

Friday, the Twenty First day of December Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.22571 of 2018

1 JOTHI
2 SURIYA

... PETITIONERS / ACCUSED NO. 1 & 19

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
KODANKULAM POLICE STATION,
TIRUNELVELI DISTRICT.
(IN CRIME NO.238/2013)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.C.SUSI KUMAR Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI Govt. Advocate
(Crl. Side)

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

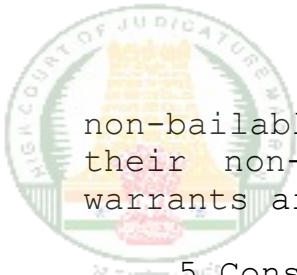
ORDER : The Court Made the following order :-

The petitioners/Accused, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 294(b), 352, 324, 326, 307 r/w 149 and 109 I.P.C in Crime No.238 of 2013, seek anticipatory bail.

2. The case of the petitioners is that during the year 2013 itself, they were granted anticipatory bail. Subsequently, in the said case, charge-sheet has been filed and the same was taken on file in S.C.No.97/2015. After receiving summons from the Court, the petitioners were attending the case regularly from the year 2013 onwards. But, trial is not yet commenced. On 08.03.2018, non-bailable warrant was issued against them due to their non-appearance. According to them, their absence before the Court on 08.03.2018 is neither nor wanton.

3.The learned counsel appearing for the petitioners would submit that now, the petitioners are ready to appear before the Court to conduct trial. Hence, he prayed for anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) appearing for the respondent, on instructions, would submit that on 08.03.2018,



non-bailable warrants were issued against the petitioners due to their non-appearance before the Sessions court and non-bailable warrants are pending.

5. Considering the facts and circumstances of the case and considering the fact that Non-Bailable Warrants are pending against the petitioners herein, this Court directs as follows:

(i) the petitioners shall appear in person before the Sub-Court, Valliyoor and file petitions under Section 70(2) of Cr.P.C. for recalling the Non-Bailable Warrants;

(ii) in the event of filing such an application by the petitioners, the Sub-Court, Valliyoor is directed to take up the matter on day-to-day basis and shall not adjourn the matter beyond two working days at any point of time and bring the issue to a logical conclusion.

With the above direction, the Criminal Original Petition is disposed of.

sd/-
21/12/2018

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

TO

- 1 THE SUBORDINATE JUDGE,
VALLIYOOR.
- 2 THE INSPECTOR OF POLICE,
KODANKULAM POLICE STATION,
TIRUNELVELI DISTRICT
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADRAI BENCH OF MADRAS HIGH COURT, MADURAI.

PS/VR/SAR-1/28.12.2018/2P/4C

ORDER
IN
CRL OP(MD) No.22571 of 2018
Date :21/12/2018