



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

Tuesday, the Fifth day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.1861 of 2019

KATHIRESAN,

... PETITIONER / ACCUSED

Vs

STATE THROUGH
THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH,
MADURAI CITY,
MADURAI DISTRICT.
(CRIME NO.105/2009)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.KR.SINGARAVADIVEL Advocate

For Respondent : MR.S.CHANDRASEKAR,
Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offences under Sections 406, 420 and 506(ii) IPC in connection with Non-Bailable Warrant issued in C.C.No.105 of 2009, on the file of the learned Judicial Magistrate No.I, Madurai, seeks anticipatory bail.

2.The petitioner was absent during the trial in C.C.No.105 of 2009 before the learned Judicial Magistrate No.I, Madurai. Therefore, Non-Bailable Warrant came to be issued on 25.07.2014.

3.The learned counsel for the appearing for the petitioner submitted that the petitioner is having permanent residence and he will not abscond or evade the due process of law, if he is released. He further submitted that the petitioner has no previous case and therefore, he prays for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the State would submit that the petition before this Court is not



maintainable, unless he exhaust the remedy available under the Criminal Procedure Code.

5. In view of the above position, the relief available to the petitioner is to surrender before the learned Magistrate concerned and file a petition under Section 70(2) of Cr.P.C. to recall the Non-Bailable Warrant of Arrest issued against him. Therefore, the question of granting anticipatory bail does not at all arise.

6. Considering the fact that the non-bailable warrant is pending against the petitioner, the petitioner is directed to surrender before the trial Court i.e., learned Judicial Magistrate No.I, Madurai, and file a petition under Section 70(2) of Cr.P.C., to recall the non bailable warrant. On filing of such petition, the learned Judicial Magistrate No.I, Madurai, is directed to consider the said petition on merits and pass orders on the same day.

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

sd/-
05/02/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.I, MADURAI

2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3. THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH,
MADURAI CITY, MADURAI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to MR.KR.SINGARAVADIVEL Advocate SR.No.2519

ORDER
IN
CRL OP(MD) No.1861 of 2019
Date : 05/02/2019

AE/PN/SAR2/11.02.2019/2P/6C