



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

Thursday, the Seventh day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.1990 of 2019

PALANI @ PALANISAMY

... PETITIONER / ACCUSED No. A1

Vs

STATE REP. BY,
THE INSPECTOR OF POLICE
DEVAKOTTAI TOWN POLICE STATION,
DEVAKOTTAI,
SIVAGANGAI DISTRICT
(CRIME NO.62/2008)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.S.MUTHUKUMAR 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 petitioner, who apprehends arrest for the alleged offences under Sections 147, 294(b), 332 IPC and Section 3(i) of TNPPDL Act in connection with Non-Bailable Warrant issued in S.C.No.84 of 2010, on the file of the learned Fast Track Mahila Court, Sivagangai, seeks anticipatory bail.

2.The petitioner was absent during the trial in S.C.No.84 of 2010 before the learned Fast Track Mahila Court, Sivagangai. Therefore, Non-Bailable Warrant came to be issued on 02.08.2013.

3.The learned counsel for the appearing for the petitioner submitted that due to illness, the petitioner could not appear before the learned Fast Track Mahila Court, Sivagangai and therefore, Non-Bailable Warrant was issued against him on 02.08.2013. He further submitted that the act of the petitioner is neither wilful nor wanton and prays for anticipatory bail to the petitioner.

4.The learned Government Advocate(Crl.side) 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 Fast Track Mahila Court, Sivagangai, 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 Fast Track Mahila Court, Sivagangai, 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/-
07/02/2019

/ TRUE COPY /

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

TO

- 1 THE JUDGE,
FAST TRACK MAHILA COURT,
SIVAGANGAI
 - 2 THE INSPECTOR OF POLICE
DEVAKOTTAI TOWN POLICE STATION,
DEVAKOTTAI, SIVAGANGAI DISTRICT
 - 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
- +1. CC to MR.S.MUTHUKUMAR Advocate SR.No.2689

ORDER
IN
CRL OP(MD) No.1990 of 2019
Date :07/02/2019

MSI/VR/SAR-III/13.02.2019-2P/5C