



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

Tuesday, the Fifth day of March Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.3385 of 2019

SHANMUGAM @ SHANMUGAVEL

... PETITIONER/ACCUSED NOT KNOWN

Vs

THE STATE REPRESENTED BY,
THE INSPECTOR OF POLICE
VADAMADURAI POLICE STATION,
DINDIGUL DISTRICT
(CR.NO.506/2015)

... RESPONDENT/COMPLAINANT

For Petitioner : MR.D.BALAMURUGAPANDI, Advocate

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

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

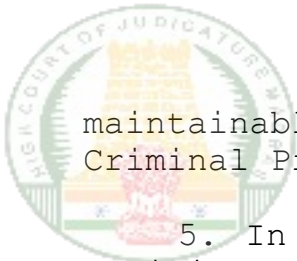
ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offences under Sections 457,511 of IPC in connection with Non-Bailable Warrant issued in C.C.No. 3 of 2016 on the file of the learned District Munsif cum Judicial Magistrate, Vedasanthur, Dindigul District seeks anticipatory bail.

2.The petitioner was absent during the trial in C.C.No. 3 of 2016 before the learned District Munsif cum Judicial Magistrate, Vedasanthur, Dindigul District . Therefore, Non-Bailable Warrant came to be issued on 02.05.2018.

3.The learned counsel for the appearing for the petitioner submitted that due to illness, the petitioner could not appear before the learned District Munsif cum Judicial Magistrate, Vedasanthur, Dindigul District and therefore, Non-Bailable Warrant was issued against him on 02.05.2018. 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 District Munsif cum Judicial Magistrate, Vedsanthur, Dindigul District 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 learned District Munsif cum Judicial Magistrate, Vedsanthur, Dindigul District, 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/-
05/03/2019

/ TRUE COPY /

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

TO

- 1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
VEDASANTHUR, DINDIGUL DISTRICT
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT
- 3 THE INSPECTOR OF POLICE
VADAMADURAI POLICE STATION, DINDIGUL DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to MR.D.BALAMURUGAPANDI, Advocate SR.No.4292

ORDER
IN
CRL OP(MD) No.3385 of 2019
Date :05/03/2019