



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

Friday, the Fifteenth day of March Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.3981 of 2019

LOGANATHAN

... PETITIONER / ACCUSED No.7

Vs

THE STATE
REP. BY THE INSPECTOR OF POLICE
ABIRAMAM POLICE STATION,
RAMANATHAPURAM DISTRICT.
CR.NO.105 OF 2012

... RESPONDENT / COMPLAINANT

For Petitioner : MR.A.UTHAYAKUMAR 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 :-

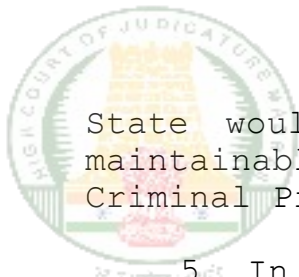
The petitioner, who apprehends arrest for the alleged offences under Sections 147,148,149,341,323,324,326,307 of IPC in connection with Non-Bailable Warrant issued in PRC No. 10 of 2017, on the file of the learned District Munsif cum Judicial Magistrate, Kamuthi, Ramanathapuram District seeks anticipatory bail.

2.The petitioner was absent during the trial in PRC No. 10 of 2017 before the learned learned District Munsif cum Judicial Magistrate, Kamuthi, Ramanathapuram District Therefore, Non-Bailable Warrant came to be issued on 14.02.2017.

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, Kamuthi, Ramanathapuram District and therefore, Non-Bailable Warrant was issued against him on 14.02.2017. He further submitted that the act of the petitioner is neither wilful nor wanton and prays for anticipatory bail to the petitioner.

<https://hcservices.ecourts.gov.in/hcservices/>

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 District Munsif cum Judicial Magistrate, Kamuthi, Ramanathapuram District 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, Kamuthi,, 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, Kamuthi, 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/-
15/03/2019

/ TRUE COPY /

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

TO

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

+1. CC to MR.A.UTHAYAKUMAR Advocate SR.No.4933

ORDER
IN
CRL OP(MD) No.3981 of 2019
Date :15/03/2019