



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

Tuesday, the Nineteenth day of March Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.4131 of 2019

SELVARAJ

... PETITIONER / ACCUSED NO.2

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH POLICE STATION,
DINDIGUL DISTRICT.
(CRIME NO.9/2012)

... 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.

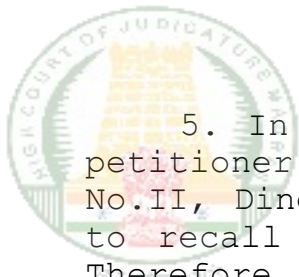
ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offences under Sections 415,416,417,419,465,468,471 r/w.420 of IPC in connection with Non-Bailable Warrant issued in C.C.No.39 of 2019, on the file of the learned Judicial Magistrate No.II, Dindigul, seeks anticipatory bail.

2.The petitioner was absent during the trial in C.C.No.39 of 2019, on the file of the learned Judicial Magistrate No.II, Dindigul Therefore, Non-Bailable Warrant came to be issued..

3.The learned counsel for the appearing for the petitioner submitted that due to illness, the petitioner could not appear before the learned Judicial Magistrate No.II, Dindigul and therefore, Non-Bailable Warrant was issued against him. 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 respondent police conducted investigation and filed absconding charge sheet and later issued summons and the petitioner refused to receive the summon and thereafter Non Bailable Warrant came to be issued.



5. In view of the above position, the relief available to the petitioner is to surrender before the learned Judicial Magistrate No.II, Dindigul 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.II, Dindigul 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.II, Dindigul, 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/-
19/03/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.II, DINDIGUL.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
3. THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH 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.5229

ORDER
IN
CRL OP(MD) No.4131 of 2019
Date :19/03/2019

MS/PN/SAR-4/21.03.2019/2P.6C