



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

Wednesday, the Twentieth day of March Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.4201 of 2019

SEKAR

... PETITIONER / SOLE ACCUSED

Vs

THE STATE,
REP. BY INSPECTOR OF POLICE,
KOOMAPATTY POLICE STATION,
VIRUDHUNAGAR DISTRICT.
(CR.NO.153 OF 2016)

... RESPONDENT / COMPLAINANT

For Petitioner : MR. G. THALAIMUTHARASU 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 Section 302 of IPC in connection with Non-Bailable Warrant issued on 06.12.2018 in S.C.No.209 of 2016 on the file of the learned Sessions Judge, Mahila Court, Srivilliputhur, seeks anticipatory bail.

2.The petitioner was absent during the trial in S.C.No.209 of 2016 on 06.12.2018 before the learned Sessions Judge, Mahila Court, Srivilliputhur Therefore, Non-Bailable Warrant came to be issued on 06.12.2018.

3.The learned counsel for the appearing for the petitioner submitted that due to illness, the petitioner could not appear before the learned Sessions Judge, Mahila Court, Srivilliputhur and therefore, Non-Bailable Warrant was issued against him on 06.12.2018. 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 Sessions Judge, Mahila Court, Srivilliputhur 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 Sessions Judge, Mahila Court, Srivilliputhur, 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 Sessions Judge, Mahila Court, Srivilliputhur, 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/-
20/03/2019

/ TRUE COPY /

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

TO

1 THE SESSION JUDGE
MAHILA COURT,
SRIVILLIPUTHUR

2 THE INSPECTOR OF POLICE
KOOMAPATTY POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

+1. CC to MR. G. THALAIMUTHARASU Advocate SR.No.5311

ORDER
IN
CRL OP(MD) No.4201 of 2019
Date :20/03/2019

MSI/JC/SAR 4/22.03.2019/2P-5C