



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

Friday, the Twenty Ninth day of March Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.4787 of 2019

STEPHEN @ STEPHENRAJ

... PETITIONER /SOLE ACCUSED

Vs

THE STATE REP. BY,
THE INSPECTOR OF POLICE
PANAGUDI POLICE STATION,
TIRUNELVELI DISTRICT.
CRIME NO.153 of 2014

... RESPONDENT / COMPLAINANT

For Petitioner : MR.S.PALANI VELAYUTHAM 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 :-

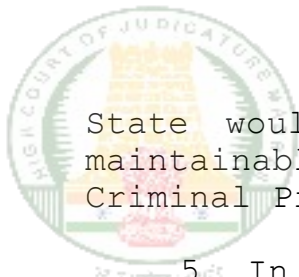
The petitioner, who apprehends arrest for the alleged offences under Sections 341, 294(b), 307 and 506(ii) of IPC in connection with Non-Bailable Warrant issued in S.C.No.57 of 2019, on the file of the learned Assistant Sessions Judge, Valliyoor, Tirunelveli District, seeks anticipatory bail.

2.The petitioner was absent during the trial in S.C.No.57 of 2019 before the learned Assistant Sessions Judge, Valliyoor, Tirunelveli District Therefore, Non-Bailable Warrant came to be issued on 21.02.2019.

3.The learned counsel for the appearing for the petitioner submitted that due to illness, the petitioner could not appear before the learned Assistant Sessions Judge, Valliyoor, Tirunelveli District and therefore, Non-Bailable Warrant was issued against him on 21.02.2019. 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 Assistant Sessions Judge, Valliyoor, Tirunelveli 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 Assistant Sessions Judge, Valliyoor, Tirunelveli 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 Assistant Sessions Judge, Valliyoor, Tirunelveli 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/-
29/03/2019

/ TRUE COPY /

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

TO

- 1 THE ASSISTANT SESSIONS JUDGE
VALLIYOOR, TIRUNELVELI DISTRICT
 - 2 THE INSPECTOR OF POLICE
PANAGUDI POLICE STATION,
TIRUNELVELI DISTRICT.
 - 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to MR.S.PALANI VELAYUTHAM Advocate SR.No.5900

ORDER
IN
CRL OP(MD) No.4787 of 2019
Date :29/03/2019