



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

Wednesday, the Third day of April Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.5074 of 2019

KALAIYARASAN

... PETITIONER / ACCUSED NO.2

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
DEVAKOTTAI TOWN POLICE STATION,
DEVAKOTTAI,
SIVAGANGAI DISTRICT.
CRIME NO.506 OF 2009

... RESPONDENT / COMPLAINANT

For Petitioner : MR.S.M.SANJAY Advocate

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

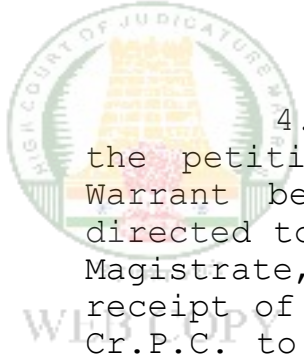
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner seeks anticipatory bail pursuant to the Non Bailable Warrant issued against him in C.C.No.135 of 2015 pending before the learned Judicial Magistrate, Devakottai. The case is pending trial for offences under Sections 294(b), 323 and 506(ii) of IPC.

2. The learned counsel for the petitioner would submit that the petitioner was regular to the Court on all hearing dates, on the date of which the NBW was issued on 28.02.2018, the petitioner did not appear before the Court due to his illness. Hence, he prays for grant of anticipatory bail to the petitioner.

3. The learned Government Advocate (Crl. Side) would submit that the accused prior to issuance of Non Bailable Warrant was appearing before the learned Judicial Magistrate, Devakottai, on all the date of hearings and when the matter was posted on 28.02.2018, he did not appear thereby the Court had issued NBW against him and that the petitioner is evading arrest for the past one year and because of his absence the trial court is unable to proceed with the trial.



4. In view of the above position, the remedy available to the petitioner is by filing petition for recalling Non-bailable Warrant before the appropriate Court. Hence, the petitioner is directed to surrender before the trial Court viz., learned Judicial Magistrate, Devakottai within a period of two weeks from the date of receipt of a copy of this order and to file a petition U/s.70(2) of Cr.P.C. to recall the Non Bailable Warrant issued against him. On filing of such petition, the learned Judicial Magistrate, Devakottai is directed to consider the said petition taking into consideration the conduct of the petitioner in attendance before Court in all previous hearings and pass orders on merits on the the same day.

This petition is disposed of accordingly.

sd/-
03/04/2019

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE,
DEVAKOTTAI.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
 - 3 THE INSPECTOR OF POLICE,
DEVAKOTTAI TOWN POLICE STATION,
DEVAKOTTAI, SIVAGANGAI DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.S.M.SANJAY, Advocate (SR-6077[I] dated 03/04/2019)

ORDER
IN
CRL OP(MD) No.5074 of 2019
Date :03/04/2019

JM/MMS/SAR 1/11.04.2019/2P/6C