



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

Tuesday, the Sixteenth day of April Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.5625 of 2019

K.THANGADURAI,

... PETITIONER / ACCUSED

Vs

STATE REPRESENTED BY
THE SUB INSPECTOR OF POLICE
THILLAI NAGAR POLICE STATION,
TRICHY.

(CRIME NO.111/2015)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.N.SUDHAGAR NAGARAJ 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 at the hands of the respondent police for the alleged offence under Section 379 of IPC in connection with Non-Bailable Warrant issued in C.C.No.111 of 2015, on the file of the learned Judicial Magistrate No.IV, Trichy, seeks anticipatory bail.

2.The petitioner was absent during the trial in C.C.No.126 of 2015, before the learned Judicial Magistrate No.IV, Trichy. Therefore, Non-Bailable Warrant came to be issued on 25.05.2016.

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.IV, Trichy and therefore, Non-Bailable Warrant was issued against him on 25.05.2016. 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 Judicial Magistrate No.IV, Trichy 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.IV, Trichy, 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.IV, Trichy, 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/-
16/04/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.IV,
TRICHY.
2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE SUB INSPECTOR OF POLICE,
THILLAI NAGAR POLICE STATION,
TRICHY.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.5625 of 2019
Date : 16/04/2019

AE/PN/SAR-II/ (08.05.2019) 2P 5C