



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

Saturday, the Twenty Seventh day of April Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.6208 of 2019

RAJAKANNU

... PETITIONER / ACCUSED NO.3

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
KARAIYUR POLICE STATION,
PUDUKKOTTAI DISTRICT.
CRIME NO.29 OF 2012

... RESPONDENT / COMPLAINANT

For Petitioner : MR.G.MATHAVAN 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 147,148,149,452,435,323,324,354,397,394,395 and 506 (ii) of IPC and Section 4 of TNPPDL Act in connection with Non-Bailable Warrant issued in P.R.C.No.2 of 2018, on the file of the learned District Munsif cum Judicial Magistrate, Thirumayam, seeks anticipatory bail.

2.The petitioner was absent during the trial in P.R.C.No.2 of 2018 before the learned District Munsif cum Judicial Magistrate, Thirumayam. Therefore, Non-Bailable Warrant came to be issued on 16.04.2019.

3.The learned counsel for the appearing for the petitioner submitted that due to illness, the petitioner could not appear before the learned District Munsif cum Judicial Magistrate, Thirumayam and therefore, Non-Bailable Warrant was issued against him on 16.04.2019. 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 District Munsif cum Judicial Magistrate, Thirumayam 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 District Munsif cum Judicial Magistrate, Thirumayam, 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 District Munsif cum Judicial Magistrate, Thirumayam, 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/-
27/04/2019

/ TRUE COPY /

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

TO

- 1 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, THIRUMAYAM.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI.
- 3 THE INSPECTOR OF POLICE,
KARAIYUR POLICE STATION,
PUDUKKOTTAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.G.MATHAVAN, Advocate (SR-7542[I] dated 27/04/2019)

ORDER
IN
CRL OP(MD) No.6208 of 2019
Date :27/04/2019