



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

Saturday, the Twenty Seventh day of April Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.6259 of 2019

DENSINGH

... PETITIONER /3rd ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
UVARI POLICE STATION,
TIRUNELVELI DISTRICT.
CRIME NO.88/2000

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.K.RAJESHWARAN 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 147,148,448,427,304,307 of IPC and 3 and 5 of Explosive Substance Act 1908 in connection with Non-Bailable Warrant issued in S.C.No.444 of 2007, on the file of the Assistant Sessions Court, Valliyoor, Tirunelveli District , seeks anticipatory bail.

2.The petitioner was absent during the trial in S.C.No.444 of 2007 before the Assistant Sessions Court, Valliyoor, Tirunelveli District. Therefore, Non-Bailable Warrant came to be issued on 18.03.2019.

3.The learned counsel for the appearing for the petitioner submitted that due to illness, the petitioner could not appear before the Assistant Sessions Court, Valliyoor, Tirunelveli District and therefore, Non-Bailable Warrant was issued against him on 18.03.2019. 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 Assistant Sessions Court, 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., Assistant Sessions Court, 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 Assistant Sessions Court, 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/-

27/04/2019

/ 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,
UVARI POLICE STATION,
TIRUNELVELI DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.6259 of 2019

Date : 27/04/2019

MS/VR/SAR-4/02.05.2019/2P.4C