



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

Wednesday, the Eighth day of May Two Thousand Nineteen

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL OP (MD) No.6925 of 2019

NAMBI,

... PETITIONER / ACCUSED No.2

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
SRI VAIGUNDAM POLICE STATION,
TURICORIN DISTRICT.
(CRIME NO.104/2015

... RESPONDENT / COMPLAINANT

For Petitioner : MR.C.SUSI KUMAR Advocate

For Respondent : M/S.S.BHARATHI,
Govt. Advocate (Crl. Side)

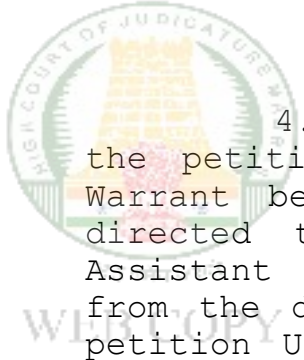
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner seeks anticipatory bail pursuant to the Non Bailable Warrant issued against him in S.C.No.64 of 2019 pending before the learned Assistant Sessions Judge, Tuticorin. The case is pending trial for offences under Section 399 r/w Section 21(1-a) of Arms Act.

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 25.04.2019, 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 Assistant Sessions Judge, Tuticorin, on all the date of hearings and when the matter was posted on 25.04.2019, 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 Assistant Sessions Judge, Tuticorin 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 Assistant Sessions Judge, Tuticorin 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/-
08/05/2019

/ TRUE COPY /

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

TO

1. THE ASSISTANT SESSIONS JUDGE,
TUTICORIN.
2. THE INSPECTOR OF POLICE,
SRI VAIGUNDAM POLICE STATION,
TUTICORIN DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to MR.C.SUSI KUMAR, Advocate (SR-8210[I] dated 09/05/2019)

ORDER
IN
CRL OP(MD) No.6925 of 2019
Date :08/05/2019

sts/vsg
AE/MMS/SAR-IV (13.05.2019) 2P 5C