



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/07/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.9855 of 2019

1.Ishak Vaartsh
2.Nandhakumar

... Petitioners/Accused Nos.2 & 3

Vs

State:

The Inspector of Police,
Thisaiyanvilai Police Station,
Tirunelveli District,
Crime No.341/2009.

... Respondent/Complainant

For Petitioners: M/s.T.A.Ebenezer,
Advocate.

For Respondent : Mrs.M.Ananthadevi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.341/2009 on the file of the respondent police

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294 (b), 506 (ii) of IPC, Crime No.88 of 2019, seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that the petitioners already granted bail and jumped out of the bail due to the non appearance of the petitioners on 13.06.2018. Since hearing date was wrongly conveyed to the petitioners, they failed to attend on 13.06.2018, and therefore, non-bailable warrant came to be issued. Hence, he prayed to grant anticipatory bail to the petitioners.



4.Per contra, the learned Additional Public Prosecutor appearing for the respondent has submitted that the petitioners have failed to attend before the trial Court on 13.06.2018. Hence, the trial Court issued non-bailable warrant against the petitioners. He further submitted that more than one year the petitioners have not surrendered before the trial Court and subsequently, they approached this Court for granting anticipatory bail. Hence, she strongly opposed this petition.

5.Admittedly, the petitioners were already on bail and subsequently, when the case was taken up for trial, the petitioners did not appear before the trial on 13.06.2018 and hence non-bailable warrant was issued. The petitioners have not stated any reason for their non appearance before the trial Court on 13.06.2018. Even after issuance of non-bailable warrant for the past one year, the petitioners have not surrendered before the trial Court and filed a petition to re-call the warrant. Under such circumstances, this Court is not inclined to grant anticipatory bail to the petitioners.

6.Accordingly, this petition is dismissed.

sd/-
15/07/2019

/ TRUE COPY /

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

TO

1.THE INSPECTOR OF POLICE,
THISAIYANVILAI POLICE STATION,
TIRUNELVELI DISTRICT.

2.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.9855 of 2019
Date :15/07/2019

dss
TK/JC/SAR.2/22.07.2019/2P/3C