



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/09/2019

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PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD) . No.12344 of 2019

Vinukumar, ... Petitioner/Accused No.1

Vs

The State Rep.by its
The Inspector of Police,
Pazhugal Police Station,
Kanyakumari District.
(Crime No.450 of 2009). ... Respondent/Complainant

For Petitioner : Mr. S. Sivakumar,
Advocate.

For Respondent : Mr.A.Robinson,
Government Advocate (Crl.Side)

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

PRAYER :-

for Anticipatory Bail in Crime No.450 of 2009 on the file of
the Respondent Police

ORDER : The Court made the following order :-

The petitioner apprehending arrest at the hands of the
respondent police in C.C.No.226 of 2010, on the file of the learned
Judicial Magistrate No.I, Kuzhithurai, for the alleged offences
punishable under Sections 353 and 506(i) of IPC and 4(1)(a), 21(1)
of Mines and Minerals Development Regulation Act, seeks anticipatory
bail.

2.Heard the learned counsel for the petitioner and the learned
Government Advocate (crl. side) for the respondent.

3.The petitioner is facing trial in C.C.No.226 of 2010, on the
file of the learned Judicial Magistrate No.I, Kuzhithurai. Since he
was absent on 14.08.2018, Non-Bailable Warrant came to be issued.



4.The learned counsel for the petitioner undertakes that the petitioner will attend all the future hearing dates and if he is unable to do so, application under Section 317 of Cr.P.C., will be filed.

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5.Recording this undertaking, this Court directs the petitioner to surrender before the Court below on next hearing date i.e., on 14.11.2019 and apply for recall of warrant. On such application being filed, the Court below shall recall the same. The Non-Bailable Warrant issued against the petitioner will be kept in abeyance till then. If the undertaking given by the petitioner herein is breached, the Court below shall remand the petitioner to custody.

6.With these observations, the Criminal Original Petition stands allowed.

sd/-
05/09/2019

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.I, KULITHURAI.
- 2 DO THRO'THE CHIEF JUDICIAL MAGISTRATE,
KANNYAKUMARI DISTRICT AT NAGERCOIL.
- 3 THE INSPECTOR OF POLICE,
PAZHUGAL POLICE STATION, KANYAKUMARI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.SIVAKUMAR, Advocate (SR-14894[I] dated 05/09/2019)

ORDER
IN
CRL OP(MD) No.12344 of 2019
Date :05/09/2019

SJI
AE/MMS/SAR-III (13.09.2019) 2P 6C