



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

Date : 23/01/2020

WEB COPY

PRESENT

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

CRL OP(MD) . No.1036 of 2020

Geetha Nagappan,

... Petitioner/Accused No.1

Vs

The Inspector of Police,
Anna Nagar Police Station (L and O),
Madurai-20,
in Crime No.237/2015.

... Respondent/Complainant

For Petitioner : M/s. K.K. Kannan,
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 C.C.No. 307/2015 on the file of the
Judicial Magistrate No.6, Madurai.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the
learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioner apprehending arrest at the hands of the
respondent police for the offences punishable under sections 420 and
465 of I.P.C., in Crime No. 237 of 2015 on the file of the
respondent police, seeks anticipatory bail.

3. The petitioner is facing trial in C.C.No.307 of 2015 on the
file of the learned Judicial Magistrate No.VI, Madurai, for the
offences under Sections 420 and 465 of IPC. A non-bailable warrant
has been issued against the petitioner. The petitioner appears to
be under the impression that since she has filed a Criminal Original
Petition in Crl.O.P.(MD)No.3376 of 2018 and an interim order has
been granted therein, she need not appear before the Court below.



The petitioner appears to have forgotten that the Hon'ble Supreme Court has recently held that unless the interim order is specifically extended by recording reasons, an interim order of stay originally granted will not be in force beyond six months.

4. In this case, the petitioner got an interim order in her favour on 13.03.2018 and the same was extended on 11.06.2018. Therefore, the learned Magistrate was perfectly justified in issuing a non-bailable warrant on 14.08.2019. The learned Magistrate cannot be faulted at all.

5. However, taking note of the fact that the petitioner is a lady, I permit her to appear before the Court below on 27.02.2020 and apply for recall of warrant. On such application being filed, the learned Magistrate will recall the same. The petitioner will not be remanded to custody. If the petitioner is able to get the interim order in the quash petition extended, ofcourse, the trial will not proceed. But then, the petitioner will have to necessarily honour her undertaking now given before this Court. Ofcourse, if the quash petition filed by the petitioner gets allowed before the said date the question of having the warrant recalled does not arise at all.

6. Accordingly, this Criminal Original Petition is disposed of.

sd/-
23/01/2020

/ TRUE COPY /

/ /2020

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

TO

1. THE JUDICIAL MAGISTRATE NO.6, MADURAI.
2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
ANNA NAGAR POLICE STATION (L AND O),
MADURAI-20.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.K.K.KANNAN, Advocate (SR-1296[I] dated 23/01/2020)

ORDER
IN
CRL OP(MD) No.1036 of 2020
Date : 23/01/2020

PNN

AE/PN/SAR-III (30.01.2020) 2P 6C

<https://hcservices.ecourts.gov.in/hcservices/>