



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 03/02/2020

PRESENT

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

CRL OP(MD). No.1780 of 2020

Palpandi

... Petitioner/Sole Accused

Vs

The state rep. by
The Inspector of Police,
Abiramam Police Station,
Ramnad District,
(Crime No.27 of 2015).

... Respondent/Complainant

For Petitioner : M/s.A.Uthayakumar,
Advocate.

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

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

PRAYER :-

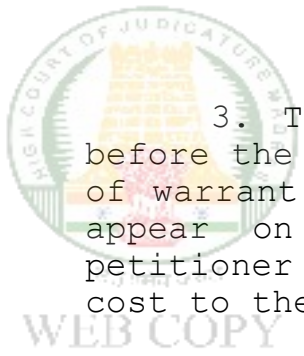
to enlarge the petitioner on bail in the event of his arrest in connection with S.C.No.54/2018 on the file of the learned Principal District and Sessions Judge, Ramanathapuram in Crime No.27/2015 on the file of the respondent police.

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 is facing trial in S.C.No.54 of 2018 on the file of the Principal District and Sessions Judge, Ramanathapuram for the offences under Section 294(b), 324 and 307 of IPC. Non bailable warrant is pending against him since June 2018.

3. Notice to declare him as proclaimed offender has also been issued on 21.11.2019. If a person has been declared as a proclaimed offender, he cannot invoke Section 438 of Cr.P.C. This is a settled legal position. But then, the petitioner is yet to be declared as a proclaimed offender.



3. The petitioner gives an undertaking that he will appear before the Court below on the next hearing date and apply for recall of warrant. The petitioner gives further undertaking that he will appear on all the future hearing without any default. The petitioner further comes forward to remit a sum of Rs.5,000/- as cost to the District Legal Service Authority, Ramanthapuram.

4. Recording the said undertaking, the petitioner is directed to appear before the Court below on the next hearing date and apply for recall of warrant. On such application being filed, the Court below shall recall the warrant at the end of the day. Non Bailable Warrant shall be kept in abeyance till then.

5. The Criminal Original petition stands disposed of, on these terms.

sd/-
03/02/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE PRINCIPAL DISTRICT AND SESSIONS JUDGE,
RAMANTHAPURAM

2 THE INSPECTOR OF POLICE
ABIRAMAM POLICE STATION, RAMNAD DISTRICT

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

Copy to:
The Officer Incharge,
District Legal Service Authority, Ramanthapuram.

+1. CC to M/S.A.UTHAYAKUMAR Advocate SR.No.2191

ORDER
IN
CRL OP(MD) No.1780 of 2020
Date :03/02/2020

MK/SKN/SAR 2 (10.02.2020) 2P 6C