



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

Date : 22/01/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.871 of 2021

Gajendran

... Petitioner/Accused No.2

Vs

The State rep.by,
The Inspector of Police,
Aranthangi Police Station,
Pudukkottai District.
Crime No. 468 of 2014.

... Respondent/Complainant

For Petitioner : Mr.R.Prasanna,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime No.468 of 2014 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, who apprehends arrest for the alleged offences under Sections 294(b), 342,506(ii), 307 of IPC r/w.Section 34 of IPC, in connection with Non-Bailable Warrant issued in S.C.No.75 of 2017, on the file of the learned Sub Judge, Aranthangi, seeks anticipatory bail.

2.The petitioner was absent during the trial in S.C.No.75 of 2017, on the file of the learned Sub Judge, Aranthangi. Therefore, Non-Bailable Warrant came to be issued on 22.11.2020.

3.The learned counsel for the appearing for the petitioner submitted that due to illness, the petitioner could not appear before the learned Sub Judge, Aranthangi and therefore, Non-Bailable Warrant was issued against him on 22.11.2020. He further submitted that the act of the petitioner is neither wilful nor wanton and prays for anticipatory bail to the petitioner.

4.The learned Government Advocate(Crl.side) appearing for the State would submit that the petition before this Court is not



maintainable, unless he exhaust the remedy available under the Criminal Procedure Code.

5. In view of the above position, the relief available to the petitioner is to surrender before the learned Sub Judge, Aranthangi and file a petition under Section 70(2) of Cr.P.C., to recall the Non-Bailable Warrant of Arrest issued against him. Therefore, the question of granting anticipatory bail does not at all arise.

6. Considering the fact that the non-bailable warrant is pending against the petitioner, the petitioner is directed to surrender before the trial Court i.e., learned Sub Judge, Aranthangi, and file a petition under Section 70(2) of Cr.P.C., to recall the non bailable warrant. On filing of such petition, the learned Sub Judge, Aranthangi, is directed to consider the said petition on merits and pass orders on the same day.

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

sd/-
22/01/2021

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/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE SUBORDINATE JUDGE, ARANTHANGI.
2. THE INSPECTOR OF POLICE,
ARANTHANGI POLICE STATION, PUDUKKOTTAI DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.871 of 2021
Date : 22/01/2021

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<https://hccs.cse.judges.org/Services/1.2021 : 2P/4C>