



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/02/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD)No.2826 of 2021

Sakthivel

... Petitioner/Accused

Vs

State Represented by
The Inspector of Police,
Tirunelveli Taluk Police Station,
Tirunelveli District.
Crime No.125/2016.

... Respondent/Complainant

For Petitioner : Mr.B.Char Murugan,
Advocate.

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

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

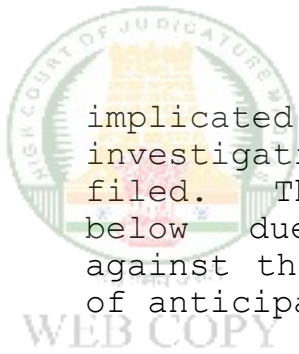
PRAYER :-For Anticipatory Bail in Crime No. 125 of 2016 on the file of the respondent Police.

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 man missing altered into Sections 364, 302, 120-B, 341 r/w 34 IPC in Crime No.125 of 2016 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that defacto complainant is residing with his family members and his son namely Pakkiyaraj got married. However, they were not in good terms. The petitioner herein compromised the matter. Subsequently, on the following day, the son of the defacto complainant found missing. Hence, the present complaint.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and he has been falsely



implicated in this case. He further submitted that the investigation in this case has been completed and charge sheet also filed. The petitioner herein failed to appear before the Court below due to illness and hence, non-bailable warrant was issued against the petitioner on 18.11.2019. Hence, he prayed for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. Side), appearing for the respondent police submitted that on 18.11.2019 all the witness were appeared before the trial Court, however, the petitioner did not appeared and hence, the trial Court issued non-bailable warrant. Hence, he opposed to grant anticipatory bail to the petitioner.

5.It is seen that the case was posted on 18.11.2019 for the appearance of the witnesses and all the witnesses were produced before the trial Court. At that time, the petitioner did not appeared and therefore, the trial Court issued non-bailable warrant against the petitioner.

6.In view of the above, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, this criminal original petition is dismissed.

sd/-
23/02/2021

/ TRUE COPY /

/ /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 INSPECTOR OF POLICE,
TIRUNELVELI TALUK POLICE STATION,
TIRUNELVELI DISTRICT.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN
CRL OP(MD) No.2826 of 2021
Date :23/02/2021
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<https://hcsmdrns.gov.in/hcsmdrns/23/03/2021> 2P / 3C