



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/03/2021

WEB COPY

PRESENT

The Hon'ble Mr. Justice M.NIRMAL KUMAR

CRL OP(MD). No.3163 of 2021

Saravana Kumar

... Petitioner/Accused
Rank not known

Vs

The State Rep. by
The Inspector of Police,
Nainar Kovil Police Station,
Ramanathapuram District.
Crime No. 73 of 2012

... Respondent/Complainant

For Petitioner : Mr.Jeyakarthik M.S.,
Advocate.

For Respondent : Mr.M.Chandra Sekaran,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.73 of 2012 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as A4, apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 149, 302 r/w 364 of IPC in Cr.No.73 of 2012, which is now pending in P.R.C.No.71 of 2019, on the file of the learned Judicial Magistrate, Paramakudi and hence, seeks anticipatory bail.

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

3.The learned Government Advocate (criminal side) appearing for the respondent on instructions submitted that due to absence of the petitioner on 29.07.2015, non-bailable warrant was issued against



the petitioner by the trial Court. He further submitted that the case is pending before the Court concerned without any progress because of the pendency of non-bailable warrant against the petitioner.

4. On perusal of the materials available on records, it is seen that originally there are 10 accused in this case and the investigation has been completed and charge sheet has also been filed against all the accused in P.R.C.No.6 of 2013. It is also seen that some of the accused including this petitioner are absconding and the case as against A2, A7, A8 and A10 including this petitioner have been split up and case in P.R.C.No.71 of 2019 was assigned. As against the mother case in P.R.C.No.6 of 2013 against A1, A5, A3, A6 and A9 has been committed to the Court of Sessions and S.C.No.127 of 2019 was assigned and case is at the stage of framing of charges. In respect of A7, he has filed anticipatory bail petition before this Court in CrI.O.P.(MD).No.15744 of 2020 and this Court had directed A7 to surrender before the learned Judicial Magistrate, Paramakudi and to file a petition for recalling the warrant. Thereafter, A7 has surrendered the concerned Court and filed a petition for recalling the warrant and the same was recalled and A7 has been regularly appearing before the concerned Court.

5. Considering the fact that non-bailable warrant is pending against the petitioner, the petitioner is directed to surrender before the learned Judicial Magistrate, Paramakudi and to file a petition for recalling the warrant, within 15 days from the date on which the order copy made ready and the concerned Court is directed to accept the surrender of the petitioner and consider the petition to be submitted by the petitioner for recalling the warrant, on the same day of his surrender, on merits and in accordance with law.

6. It is made clear that the learned Judicial Magistrate, Paramakudi is directed to consider the gravity of the offence and also the reason for his absence for the past several years and pass orders.

7. Accordingly, this petition is disposed of with a direction to the petitioner to draw a demand draft in favour of Dean, Government Hospital, Ramanathapuram for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** without prejudice to his rights and contentions before the trial Court, within a period of two weeks from the date of receipt of a copy of this order.

sd/-

01/03/2021

/ 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 JUDICIAL MAGISTRATE, PARAMAKUDI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE INSPECTOR OF POLICE,
NAINAR KOVIL POLICE STATION,
RAMANATHAPURAM DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:-

THE DEAN,
GOVERNMENT HOSPITAL,
RAMANATHAPURAM.

+1 CC to Mr.M.S.JEYAKARTHIK, Advocate (SR-1646[I] dated 02/03/2021)

ORDER
IN
CRL OP(MD) No.3163 of 2021
Date :01/03/2021

VSG
TE/PN/SAR-II : 03/03/2021 : 3P/7C