



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/03/2021

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.3179 of 2021

Nallusamy ... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Abiramam Police Station, Abiramam,
Ramanathapuram District.
(In Crime No.98/2014). ... Respondent/Complainant

For Petitioner : Mr.G.Kasinathadurai,
Advocate.

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

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

PRAYER :-

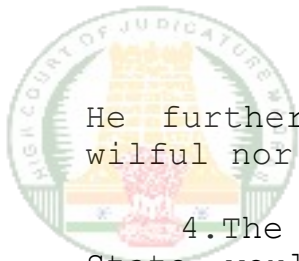
For Anticipatory Bail in C.C.No.33/2016 on the file of the
Learned Judicial Magistrate, Kamudhi, Ramanathapuram District.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest for the alleged offences
under Sections 294(b), 323 and 506(i) of IPC, in connection with
Non-Bailable Warrant issued in C.C.No.33 of 2016, on the file of the
learned Judicial Magistrate, Kamudhi, seeks anticipatory bail.

2.The petitioner was absent during the trial in C.C.No.33 of
2016, before the trial Court. Therefore, Non-Bailable Warrant came
to be issued on 23.01.2021.

3.The learned counsel for the appearing for the petitioner
submitted that due to Court boycott, the petitioner could not appear
before the learned Judicial Magistrate, Kamudhi, and therefore, Non-
Bailable Warrant was issued against the petitioner on 23.01.2021.



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 the petitioner 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 trial Court 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 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 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 Judicial Magistrate, Kamudi, 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/-

01/03/2021

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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 JUDICIAL MAGISTRATE,
KAMUTHI, RAMANATHAPURAM DISTRICT.
- 2.-DO-THRO' THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3.THE INSPECTOR OF POLICE,
ABIRAMAM POLICE STATION, ABIRAMAM,
RAMANATHAPURAM DISTRICT.



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

+1 CC to Mr.G.KASINATHADURAI, Advocate (SR-1619[I] dated 02/03/2021)

WEB COPY

ORDER

IN

CRL OP(MD) No.3179 of 2021

Date :01/03/2021

MPK

AE/JC/SAR-II (08/03/2021) 3P / 6C