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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/09/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.12576 of 2021

1. P.Selvakumaran,

2. Jeyakumar, ... Petitioners/Accused No 2 and 3

Vs

the state rep.by

The Inspector of Police,

Kallidaikurichi Police Station,

Tirunelveli District.

(Crime No. 90 of 2013). ... Respondent/Complainant

For Petitioners : M/s.Anand R,
Advocate.

For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. 90 of 2013 on the file of
the Respondent Police

ORDER : The Court made the following order :-

The petitioners apprehending arrest at the hands of the
respondent police in P.R.C.No.24 of 2020 on the file of the learned
Judicial Magistrate, Ambasamudram, for the offences punishable under
Sections 307, 109 and 341 of I.P.C., seek anticipatory bail.



2.The petitioners remained absent during the trial in P.R.C.No.24 of 2020 on the file of the learned Judicial Magistrate, Ambasamudram. Therefore, non-bailable warrant came to be issued .

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3.The learned counsel for the petitioners submits that the dispute between the petitioners and the defacto complainant has been amicably solved at the intervention of the elders of the family members of both the parties. Therefore, a petition for compromise was filed before this Court in Crl.O.P.(MD)No.2372 of 2021 and the same is pending. Since the petitioners have filed a petition for compromise, they failed to appear before the trial Court without knowing the consequences. Hence, non- bailable warrant came to be issued. The learned counsel for the petitioners further submits that the petitioners will file an affidavit before the learned Judicial Magistrate, Ambasamudram, to the effect that they will appear before the trial court on all hearings without fail in P.R.C.No.24 of 2020 till the committal proceedings are completed.

4.The learned Government Advocate (Crl. Side) opposed this petition on the ground that non-bailable warrant is issued against the petitioners and if anticipatory bail is granted to the petitioners, the trial in P.R.C.No.24 of 2020 will be delayed.

5.Considering the fact that the petitioners have filed a petition for compromise and considering the undertaking given by the

<https://hccservicesonline.org.in/hccservices> the petitioners are directed to appear before the



learned Judicial Magistrate, Ambasamudram, within a period of two weeks from the date of receipt of copy of this order and to file a petition to recall the non-bailable warrant issued against them.

The concerned Court is directed to consider the same on merits and pass orders on the same day.

6. Accordingly, the Criminal Original Petition is disposed of.

sd/-
03/09/2021

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

IAS

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, Ambasamudram,
2. The chief Judicial Magistrate, Tirunelveli
3. The Inspector of Police,
Kallidaikurichi Police Station,
Tirunelveli District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

CRL OP(MD) No.12576 of 2021
Date : 03/09/2021

KB/SKN/SAR-I (09.09.2021) 3P 5C