



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

Date : 06/03/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.4295 of 2023

Muthusamy ... Petitioner / Accused No.7

Vs

The State rep by
The Inspector of Police,
All Women Police Station
Sivagangai,
Sivagangai District.
(Crime No.01/2009.)

... Respondent / Complainant

For Petitioner : M/s. Kumaraguru.V.S., Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

PRAYER :-

To release the petitioner on anticipatory bail in the event of his arrest in S.C.No.109 of 2017 on the file of learned Chief Judicial Magistrate, Sivagangai.

ORDER : The Court made the following order :-

The petitioner/A7, apprehends arrest at the hands of the respondent police in S.C.No.109 of 2017 on the file of the learned Chief Judicial Magistrate, Sivagangai for the offences punishable under Sections 147, 148, 470, 420, 376 and 506(2) of IPC in Crime No.01 of 2009, seeks anticipatory bail.

2.The petitioner was absent during the trial in S.C.No.109 of 2017 on the file of the learned Chief Judicial Magistrate, Sivagangai. Therefore, Non-Bailable Warrant came to be issued on 04.01.2018.

3.The learned counsel appearing for the petitioner undertakes that the petitioner shall appear before the Court below regularly on the fixed hearing dates without fail.



4.Considering the undertaking given by the learned counsel for the petitioner, the petitioner is directed to appear before the learned Chief Judicial Magistrate, Sivagangai on the next hearing and to file a petition under Section 70(2) of Cr.P.C., to recall NBW already issued against him. On the filing of such petition, the concerned learned Magistrate is directed to consider the same on its own merits and in accordance with law and pass orders on the same day.

5.With the above direction, this Criminal Original Petition is disposed of. It is made clear that while considering the petition to recall, the Court below shall bear in mind about the period of Non-Bailable Warrant and any crime committed while pending Non-Bailable Warrant. Mere direction issued by this Court to consider the application on the same day does not amount to direction to consider the recall petition favourably.

sd/-
06/03/2023

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/03/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

To

1.The Chief Judicial Magistrate,
Sivagangai District.

2.The Inspector of Police,
All Women Police Station,
Sivagangai,
Sivagangai District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1. CC to M/S.SARVAGAN PRABHU S Advocate SR.No.3432(I), dated
06.03.2023

ORDER
IN
CRL OP(MD) No.4295 of 2022
Date :06/03/2023

ED/BUC/SAR- 3(17/03/2023) 2P 5C

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