



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.04.2022

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P (MD) No.6754 of 2022

Muniyasamy

... Petitioner/Accused No.8

Vs

1.The Assistant Commissioner of Police,
Tirunelveli, Tirunelveli City.

2.The Inspector of Police,
Medical College Police Station,
Tirunelveli City.

(Crime No.30 of 2018) ... 1st & 2nd Respondents / Complainants

3. Kumar ... 3rd Respondent / Defacto complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the 2nd Additional District and Sessions Judge (PCR Unit) Court Tirunelveli to consider the petitioner's bail application on the same day and to enlarge on bail in the event of his surrender at the strength of the NBW dated 04.10.2019 issued in S.C.No.68 of 2018 on the file of the 2nd Additional District and Sessions Judge(PCR Unit)Court, Tirunelveli.

For Petitioners : Mr.M.Muthukumar

For Respondents : Mr.R.M.Anbunithi
No.1 and 2 Additional Public Prosecutor

O R D E R

This petition is filed for a direction to direct the 2nd Additional District and Sessions Judge (PCR Unit) Court Tirunelveli to consider the petitioner's bail application on the same day and to enlarge on bail in the event of his surrender at the strength of the NBW dated 04.10.2019 issued in S.C.No.68 of 2018 on the file of the 2nd Additional District and Sessions Judge(PCR Unit)Court, Tirunelveli.

2. The learned counsel appearing for the petitioner would submit that since the petitioner was unable to appear before the II Additional District and Sessions Judge(PCR Unit) Court in respect of the case in S.C.No.68 of 2018 and hence, non bailable warrant has been issued against the petitioner. He would further submit that the said absence is neither willful nor wanton and he undertakes that the petitioner shall appear before the Court below
<https://hccs.courts.gov.in/cse/cases/> future hearing dates without fail.



3. Considering the undertaking given by the learned counsel for the petitioner, the petitioner is directed to appear before the learned 2nd Additional District and Sessions Judge(PCR Unit) Court, Tirunelveli 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 filing of such petition, the concerned Sessions Judge is directed to consider the same on its own merits in accordance with law and pass orders on the same day after affording due opportunity to the victim under Section 15(a) of the SC/ST Act.

4. 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.

5. With the above direction, the Criminal Original Petition stands disposed of.

Sd/-

Assistant Registrar(AD-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

aav

To

1. The II additional District and Sessions Judge (PCR unit),
Tirunelveli.

2.The Assistant Commissioner of Police,
Tirunelveli, Tirunelveli City.

3.The Inspector of Police,
Medical College Police Station, Tirunelveli City.

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

+2 CC to M/s.M.MUTHUKUMAR, Advocate (SR-18205[F] dated 12/04/2022)

Order made in

CRL.O.P (MD) No.6754 of 2022

11.04.2022

km (CO)

TR(12.04.2022) 2P 8C

<https://hcservices.ecourts.gov.in/hcservices/>