



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.04.2022

CORAM

THE HONOURABLE Mr.JUSTICE **G.K.ILANTHIRAIYAN**Crl.O.P (MD) No.6611 of 2022

WEB COPY

1.M.Paraman
2. Radhakrishnan
3. Jothi

... Petitioners/Accused No.2 to 4

Vs

The Inspector of Police
District Crime Branch
Theni
(Crime No.34 of 2012)

... Respondent/Complainant

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to consider the bail application of the petitioners on the same day of their surrender in connection with CC No.294 of 2016 on the file of the Judicial Magistrate, Theni

For Petitioners : Mr.P.Senguttuarasan

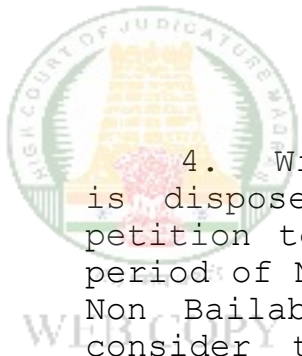
For Respondent : Mr.R.M.Anbunithi
Additional Public Prosecutor

ORDER

This Criminal Original petition has been filed to direct the learned Judicial Magistrate, Theni to recall the non-bailable warrant issued against the petitioner in CC No. 294 of 2016 on the date of surrender before the trial court.

2. The learned counsel appearing for the petitioners would submit that petitioners were unable to appear before the learned J Judicial Magistrate, Theni in respect of the case in CC No. 294 of 2016 and hence, non bailable warrant has been issued against the petitioners. He would further submit that the said absence is neither willful nor wanton and they undertakes that the petitioners shall appear before the Court below regularly on all future hearing dates without fail.

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



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.

Sd/-

Assistant Registrar (CS I)

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/ /2022

Sub Assistant Registrar(CS)

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To

1. The Judicial Magistrate, Theni

2.The Inspector of Police
District Crime Branch
Theni

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

CrI.O.P (MD) No.6611 of 2022
08.04.2022

MGJ(19.04.2022) 2P 4C