



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/05/2022

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PRESENT

The Hon`ble Mr.Justice M.S.RAMESH

CRL OP(MD) . No.8867 of 2022

Kalimuthu ... Petitioner/Sole Accused

Vs

The state Rep.by
The Sub Inspector of Police,
T.Kallupatti Police Station,
Madurai District.
(Crime NO.35/2015)

... Respondent/Complainant

For Petitioner : M/s.B.Muneeswaran,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory bail in Crime No.35/2015 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner / Sole accused, apprehends arrest in connection with the Non-Bailable Warrant (NBW) issued on 20.07.2016 in C.C.No.38 of 2015 on the file of the Judicial Magistrate, Peraiyur. Thereafter, compromise has been reached between the parties and compromise memo has been filed before the Trial Court and the same was numbered as Crm.P.No.5162 of 2016 dated 15.11.2016 and the same is pending. Since the NBW is pending from the year 2015 onwards, it could not be appropriate to grant anticipatory bail to the petitioner.

2.However, the petitioner may be granted liberty to file an application to recall the warrant with a direction to the Trial Court to consider the same on the same day of filing the application.

3.Accordingly, the petitioner herein is granted liberty to file an application to recall the warrant before the Trial Court in



C.C.NO.38 of 2015. On receipt of the same, the learned Judicial Magistrate, Peraiyur, shall consider the same on the same day and pass appropriate orders on merits and in accordance with law. Accordingly, this Criminal Original Petition is disposed of.

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/ /2022

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, PERAIYUR.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE SUB INSPECTOR OF POLICE,
T.KALLUPATTI POLICE STATION,
MADURAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.8867 of 2022
Date :06/05/2022

DSS/TTA
MS/JM/SAR-2/10.05.2022/2P.5C