



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

Date : 11/05/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) . No.9059 of 2022

Ramasamy

...Petitioner/Accused No.2

Vs

State represented by
The Inspector of Police,
Aruppukkottai Town Police Station,
Aruppukkottai,
Virudhunagar District
(Crime No. 199 of 2014).

... Respondent/Complainant

For Petitioner : M/s.Arunraj K, Advocate.

For Respondent : M/s.A.Albert James,
Government Advocate (Crl.Side)

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

PRAYER :-

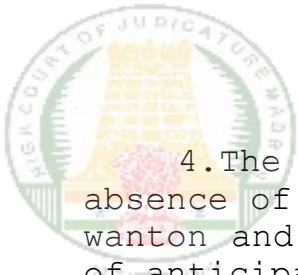
For Anticipatory Bail in Crime No. 199 of 2014 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest for the alleged offences under Sections 454, 457 and 380 of IPC in connection with non bailable warrant issued in C.C.No.184 of 2015, on the file of the learned Judicial Magistrate, Aruppukkottai, seeks anticipatory bail.

2.Heard both sides.

3.The case was taken up on the file of the learned Judicial Magistrate, Aruppukkottai in C.C.No.184 of 2015. Due to the non-appearance of the petitioner on the last hearing, the learned Judicial Magistrate has issued non bailable warrant against him on



4. The learned counsel for the petitioner would submit that the absence of the petitioner on the last hearing is neither willful nor wanton and only due to the unavoidable situation and prays to grant of anticipatory bail to the petitioner.

5. The learned Government Advocate (Crl. Side) appearing for the State would submit that the petition before this Court is not maintainable, unless he exhaust the remedy available under the Criminal Procedure Code.

6. In view of the above position, the relief available to the petitioner is to surrender before the learned Magistrate concerned and file a petition U/s. 70(2) of Cr.P.C. to recall the Non Bailable Warrant of Arrest issued against him. Therefore, the question of granting anticipatory bail does not at all arise.

7. Considering the fact that the non-bailable warrant is pending against the petitioner, the petitioner is directed to surrender before the trial Court i.e., learned Judicial Magistrate, Aruppukottai and file a petition under Section 70(2) of Cr.P.C., to recall the non bailable warrant. On filing of such petition, the learned Judicial Magistrate, Aruppukottai is directed to consider the said petition on merits and pass order on the same day.

8. Accordingly, this criminal original petition is disposed of.

Sd/-
11/05/2022

/ TRUE COPY /

12/05/2022
Sub-Assistant Registrar (C.S.IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

LM/TM

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,

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



2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3. THE INSPECTOR OF POLICE,
ARUPPUKOTTAI TOWN POLICE STATION,
ARUPPUKOTTAI, VIRUDHUNAGAR DISTRICT.

4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP (MD) No.9059 of 2022
Date :11/05/2022

SP/VR/SAR IV/12/05/2022/3P/5C