



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

Date : 26.07.2022

PRESENT

The Hon`ble Mr.Justice **K.MURALI SHANKAR**

CRL OP(MD). No.13320 of 2022

WEB COPY

Ganesamoorthi

... Petitioner/Accused No.17

Vs

The State represented by
The Inspector of Police,
Thalaiyuthu Police Station,
Tirunelveli District.
(Crime No.227 of 2021)

... Respondent

For Petitioner : Mr.P.Singaravel,
Advocate.

For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor.

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

PRAYER :-

Pleased to enlarge the Petitioner on bail in the event of his arrest by the respondent police in connection in S.C.No.26 of 2022 on the file of the III Additional District Judge, Tirunelveli, with Crime No.227 of 2021 on the file of the Respondent Police.

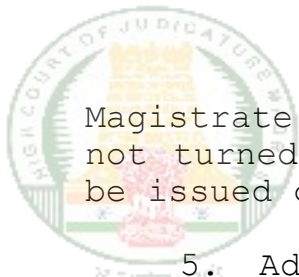
ORDER : The Court made the following order :-

The petitioner/A.17 is facing a case for the offences punishable under Sections 302, 120B and 109 IPC, in S.C.No.26 of 2022 on the file of the learned III Additional District Judge, Tirunelveli, in Crime No.227 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and other accused attacked the defacto complainant's son by using deadly weapons, due to that, the defacto complainant's son died. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution.

4. When the matter is taken up for hearing today, the learned Additional Public Prosecutor would submit that charge sheet has already been filed and the case was taken on file in P.R.C.No.109 of 2021 and the same is pending on the file of the learned Judicial



Magistrate No.III, Tirunelveli, and that since the petition as not turned up for the hearing, Non-Bailable Warrant was ordered to be issued on 08.12.2021.

5. Admittedly, Non-Bailable Warrant is pending against the petitioner from 08.12.2021.

6. It is not the case of the petitioner that he has approached the trial Court to recall the warrant pending against him, but the same was refused. Without availing the alternative remedy available before the trial Court, this Court cannot be approached directly. Hence, this Court is not inclined to grant anticipatory bail to the petitioner.

7. In the result, this Criminal Original Petition is dismissed.

sd/-

26/07/2022

/ TRUE COPY /

/08/2022

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

CSM

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 Inspector of Police,
Thalaiyuthu Police Station, Tirunelveli District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER

IN

CRL OP(MD) No.13320 of 2022

Date :26/07/2022

RD/VR/SAR-IV(22/08/2022) 2P 3C