



WEB COPY

CRL OP(MD). N



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/10/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.18644 of 2022

B.C.Biros

... Petitioner/Accused No.3

Vs

State Rep.by
The Inspector of Police,
P.E.W. Police Station,
Melur, Madurai District.
(Crime No.7 of 2014).

... Respondent/Complainant

For Petitioner : M/s.Ramar K, 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.7 of 2014 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused, who apprehends arrest at the hands of the respondent police regarding non-bailable warrant, dated 03.02.2021 issued by the learned Subordinate Judge, Melur, Madurai District in S.C.No.375 of 2015 in Crime No.07 of 2014 for the offences under Sections 4(1)(aaa) and 4(1)(A) of the TNPACT r/w. Sections 6 and 8 of Tamil Nadu Rectified Spirt Rules, 2000, seeks anticipatory bail.

2.The learned counsel appearing for the petitioner would submit that the petitioner was working in Kerala and hence, he was not able to return to his native, due to the Covid-19 Pandemic situation, to appear before the Trial Court. He would further submit that the absence of the petitioner is neither wilful nor wanton and he seeks anticipatory bail to the petitioner.

3.The learned Government Advocate(Crl.Side) would submit that due to non appearance of the petitioner non bailable warrant was issued against him on 03.02.2021. He would further submit that

<https://www.mhcoj.gov.in/judis>



earlier the petitioner has filed CrI.O.P(MD).No.12566 of 2022 before this Court and the same was disposed of on 14.07.2022, directing the petitioner to file a petition before the trial Court to recall NBW already issued against him, but, the petitioner without complying the said condition filed the present petition seeking anticipatory bail and he strongly opposed to grant anticipatory bail to the petitioner.

4.Considering the submissions made by the learned counsel appearing on either side and also considering the facts and circumstances, this Court directs the petitioner to appear before the learned Subordinate Judge, Melur, Madurai District on 27.10.2022 and file a petition under Section 70(2) of Cr.P.C., to recall NBW already issued against him. On filing such petition, the concerned learned Subordinate Judge, Melur, Madurai District is directed to consider the same and pass orders on the same day.

5.Accordingly, this Criminal Original Petition is disposed of.

sd/-

19/10/2022

/ TRUE COPY /

20/10/2022

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

TO

1 THE SUBORDINATE JUDGE, MELUR, MADURAI DISTRICT.

2 THE INSPECTOR OF POLICE, P.E.W. POLICE STATION, MELUR,
MADURAI DISTRICT.

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

+1 CC to M/s.K.RAMAR, Advocate (SR-11771[I] dated 20/10/2022)

ORDER

IN

CRL OP(MD) No.18644 of 2022

Date :19/10/2022

TRP

RS/VR/SAR. (20.10.2022) 2P-5C