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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07.11.2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.19577 of 2022

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/Complainant

For Petitioner : Mr.P.Singaravel,
Advocate.
For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl. side).

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

PRAYER :-

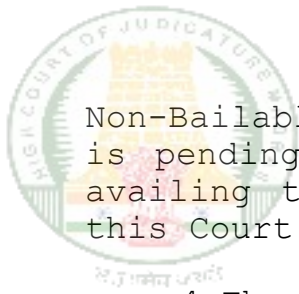
For Anticipatory Bail in Crime No.227 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A.17, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 302, 120B and 109 IPC, 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.As rightly contended by the learned Government Advocate (Criminal Side), when the petitioner has filed earlier application for anticipatory bail, considering the submission made by the learned Additional Public Prosecutor that after taking cognizance of the case in P.R.C.No.109 of 2021, the learned Magistrate has issued



Non-Bailable Warrant (NBW) against the petitioner and that the is pending, this Court, by observing that the petitioner, without availing the alternative remedy available before the trial Court, this Court cannot be approached directly, dismissed the petition.

4. The learned counsel appearing for the petitioner would submit that now the case was committed to the Principal Sessions Court.

5. Admittedly, Non-Bailable Warrant (NBW) is pending against the petitioner from 08.12.2021 and the petitioner has not approached the trial Court to recall the warrant pending against him. Without availing the alternative remedy available before the trial Court, he has chosen to approach this Court directly. Moreover, the petitioner has not shown any specific or special reason so as to enable this Court to invoke Section 482 Cr.P.C. Hence, this Court is not inclined to grant anticipatory bail to the petitioner.

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

sd/-

07/11/2022

/ TRUE COPY /

/12/2022

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 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.19577 of 2022

Date : 07/11/2022

CSM

RS/VR/SAR.3(09.12.2022) 2P-3C

<https://www.mhc.tn.gov.in/judis>