



WEB COPY



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/11/2022

PRESENT

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

CRL OP(MD) . No.20283 of 2022

S.Sivasamy

... Petitioner/Accused No.1

Vs

State rep.by

The Inspector of Police,
All Women Police Station,
Nilakottai,
Dindigul District.
(Crime No.19/2008)

... Respondent/Complainant

For Petitioner : M/s.Pandiyan.V, Advocate.

For Respondent : Mrs.M.Aasha,
Government Advocate (Crl.Side)

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

PRAYER :-

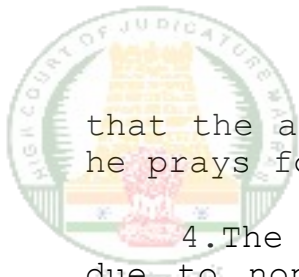
For Anticipatory Bail in Crime No.19 of 2008 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A1, who is facing a case for the offence under Sections 406, 498(A) of IPC and Section 4 of Tamilnadu Prohibition of Women Harassment Act in C.C.No.403 of 2008 on the file of the learned Judicial Magistrate, Nilakottai, in Crime No.19 of 2008 on the file of the respondent police, seeks anticipatory bail.

2.During the course of trial in C.C.No.403 of 2008, the petitioner was absent before the learned learned Judicial Magistrate, Nilakottai. Therefore, Non-Bailable Warrant came to be issued against him on 24.04.2015.

3.The learned counsel appearing for the petitioner would submit that the petitioner was informed by the respondent police that the case against him also completed. On believing this, the petitioner went away. Thereafter, the petitioner was not appeared before the Court below for the hearings, due to which, Non-Bailable Warrant was issued against him on 24.04.2015. He further would further submit



that the act of the petitioner is neither wilful nor wanton. Hence, he prays for anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. side) would submit that due to non-appearance of the petitioner, Non-Bailable Warrant was issued on 24.04.2015. He would further submit that if he is granted anticipatory bail, there is every likelihood of absconding. Hence, he strongly opposed to grant anticipatory bail to him.

5. Considering the fact that Non Bailable warrant is pending against the petitioner, the petitioner is directed to surrender before the learned Judicial Magistrate, Nilakottai and to file a petition for recalling the warrant, within 15 days from the date on which the order copy is made ready and the concerned Court is directed to accept the surrender of the petitioner and consider the petition to be submitted by the petitioner for recalling the warrant, on the same day of his surrender, on merits and in accordance with law.

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

Sd/-

22/11/2022

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/11/2022

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

CP

TO

1. THE JUDICIAL MAGISTRATE, NILAKOTTAI.
2. -DO- THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
NILAKOTTAI, DINDIGUL DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.PANDIYAN V Advocate SR.No.13538

ORDER

IN

CRL OP(MD) No.20283 of 2022

Date :22/11/2022