



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 23/12/2022

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA
CRL OP(MD). No.22660 of 2022

WEB COPY

Prabu

... Petitioner/Sole Accused

Vs

The State Rep. by,
The Inspector of Police,
All Women Police Station,
Cantonment, Trichy City.
(Crime No.28/2015).

... Respondent/Complainant

For Petitioner : M/s.Ebenezer, T A,
Advocate.

For Respondent : Mr.M.Veeranthiran,
Government Advocate (Crl.Side)

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

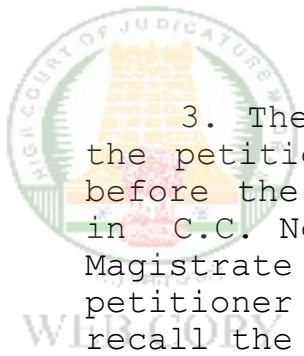
PRAYER :-

For Anticipatory Bail in Cr No.28/2015 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/sole accused, apprehending arrest in Crime No.28 of 2015 registered by the respondent police for the offence under Sections 294(b), 323 and 506(ii) of IPC which culminated in to C.C. No.2012 of 2015 on the file of the Judicial Magistrate cum Additional Mahila Court, Trichy seeks anticipatory bail pursuant to the Non-Bailable Warrant issued against him for his non-appearance on 14.11.2022.

2. The learned counsel for the petitioner would submit that the petitioner is the sole accused who is facing trial in C.C. No.2012 of 2015 on the file of the Judicial Magistrate cum Additional Mahila Court, Trichy. He would further submit that the petitioner has been regularly appearing before the Court in the private complaint. Whiles, on the instigation of the one Mercy, the Inspector of Police, All Women Police Station, Lalgudi has registered a case in Crime No.40 of 2022 and thereby the petitioner apprehends arrest and was unable to appear before the Court on 14.11.2022, thereby the Court had issued Non Bailable Warrant. He would also submit that this Court has also granted interim anticipatory bail to the petitioner in the connected and now the petitioner is also ready and willing to surrender before the Court and recall the warrant.



3. The learned Government Advocate(Crl.Side) would submit that the petitioner is the sole accused. The petitioner did not appear before the Judicial Magistrate cum Additional Mahila Court, Trichy in C.C. No.2012 of 2015, which is a private complaint. The learned Magistrate has issued Non Bailable Warrant of arrest and now petitioner may be directed to surrender before the trial Court and recall the warrant.

4. Heard and perused the materials available on record.

5. It is seen that another case was pending against the accused in Crime No.40 of 2022 registered by the Lalgudi All Women Police Station hence the petitioner was unable to appear before the Court and now the option available to the petitioner is to surrender before the Trial Court i.e., the Judicial Magistrate cum Additional Mahila Court, Trichy, and file a petition under Section 70(2) of Cr.P.C. to recall the non bailable warrant on the same day. On filing of such petition, the Judicial Magistrate cum Additional Mahila Court, Trichy is directed to consider the said petition on the same day and pass orders on merits.

6. With the above direction, the Criminal Original Petitioner is disposed of.

sd/-

23/12/2022

/ TRUE COPY /

/01/2023

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

AAV

TO

1. THE JUDICIAL MAGISTRATE CUM ADDITIONAL MAHILA COURT, TRICHY.
2. DO THROUGH : THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT.
3. THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION, CANTONMENT, TRICHY CITY.
4. THE ADDITIONAL PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.T.A.EBENEZER, Advocate (SR-15547[I] dated 23/12/2022)

ORDER

IN

CRL OP(MD) No.22660 of 2022

Date :23/12/2022

USK/SSS/SAR-III/03.01.2023/2P/6C

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