



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 22/12/2022

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA
CRL OP(MD) . No.22804 of 2022

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Pandiyarajan

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Alanganallur Police Station,
Madurai District.
(Crime No.291/2014).

... Respondent/Complainant

For Petitioner : M/s.Sivaprakash.S,
Advocate.
For Respondent : Mr.A.Albert James,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Cr No.291/2014 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accised, apprehending arrest in Crime No.291 of 2014 registered by the respondent police for the offence under Section 302 of IPC which culminated in to S.C. No.165 of 2019 on the ifle of the V Additional District Court, Madurai, seeks anticipatory bail pursuant to the Non-Bailable Warrant issued against him for his non-appearance on 09.07.2019.

2.The learned counsel for the petitioner would submit that the petitioner is the sole accused and facing trial in S.C. No.165 of 2019 on the file of the V Additional District Court, Madurai. He would further submit that earlier the case was pending before the learned Principal District Judge, Madurai and thereafter the case was made over to the file of the V Additional District Court, Madurai. Therefore the petitioner was not aware of the same, thereby he is unable to appear before the trial Court, hence Non Bailable Warrant was issued and subsequently the Court was vacant for one year and thereafter due to covid-19 lock down the petitioner was unable to appear before the Court, hence he seeks anticipatory bail.

3.The learned Government Advocate(Crl.Side) would submit that the petitioner is the sole accused. The petitioner did not appear before the trial Court on 09.07.2019 hence non bailable warrant came



to be issued. Further the petitioner was absconding for more than 3 years hence he objected to grant anticipatory bail to the petitioner. He would further submit that the petitioner may be directed to surrender before the trial Court and recall the warrant.

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4. Heard and perused the materials available on record.

5. It is seen that warrant has been pending from the year 2019 and the option available to the petitioner is to surrender before the Trial Court i.e., the V Additional District Court, Madurai, 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 V Additional District Court, Madurai is directed to consider the said petition on the same day and pass orders on merits.

sd/-

22/12/2022

/ TRUE COPY /

/01/2023

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

TO

- 1 THE V ADDITIONAL DISTRICT JUDGE, MADURAI.
- 2 THE INSPECTOR OF POLICE,
ALANGANALLUR POLICE STATION, MADURAI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE SECTION OFFICER,
CRIMINAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER IN

CRL OP(MD) No.22804 of 2022
Date :22/12/2022

RS/VR/SAR.1/06.01.2023/2P/5C