



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.12.2022

PRESENT

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P (MD) No.22981 of 2022

Rajkumar @ Kumar

... Petitioner/1st Accused

-vs-

The State represented by
The Inspector of Police,
SIPCOT Police Station,
Manamadurai, Sivagangai District.
(in Cr.No.50 of 2017)

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioner on bail in the event of his arrest by the respondent Police on the strength of the NBW issued in Spl.S.C.No.20 of 2018 in Cr.No.50 of 2017 on the file of the learned Special Court For Exclusive Trial cases under POCSO Act, Sivagangai.

For Petitioner : Mr.R.Manickam
Advocate

For Respondent : Mr.A.Albert James
Government Advocate (Crl.side)

O R D E R

The learned Counsel for the petitioner would submit that the petitioner apprehends arrest pursuant to the Non Bailable warrant issued against the petitioner on 30.03.2022 by the learned Judge, Special Court For Exclusive Trial cases under POCSO Act, Sivagangai.

2.The learned Counsel for the petitioner would submit that the petitioner is arrayed as A1 in Spl.S.C.No.20 of 2018 pending trial on the file of the learned Special Court For Exclusive Trial cases under POCSO Act, Sivagangai. The petitioner had been regularly appearing before the Court concerned and that he was unable to appear before the Court concerned on 30.03.2022, thereby, the learned Special Court For Exclusive Trial cases under POCSO Act, Sivagangai, had issued Non Bailable Warrant against the petitioner. He would submit that the petitioner was unable to appear before the Court concerned, since he met with an accident on 22.03.2022 and thereby, he would seek for anticipatory bail.



3.The learned Government Advocate (Crl.side) would submit at the petitioner is the Accused No.1 in Spl.C.C.No.20 of 2018. Since, the petitioner did not appear before the trial Court on 30.03.2022, the learned Judge had issued the NBW of arrest. He would submit that the case is now stand posted for trial on 26.12.2022. He would also submit that the only option available to the petitioner is to surrender before the Court concerned and to file an application for recall of warrant.

5.Considering the submissions made by the learned Counsel for the petitioner as well as the learned Government Advocate (Crl.side), the petitioner is directed to surrender before the Court concerned and file a petition seeking to recall Non Bailable Warrant and the learned Judge, Special Court For Exclusive Trial cases under POCSO Act, Sivagangai, shall consider and pass appropriate orders on the same day taking into consideration the merits of the case.

6.With the above directions, this Criminal Original Petition is disposed of.

sd/-
23/12/2022

/ TRUE COPY /

23/12/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

CMR

TO

1. THE JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRIAL
CASES UNDER POCSO ACT, SIVAGANGAI.
2. THE INSPECTOR OF POLICE,
SIPCOT POLICE STATION, MANAMADURAI,
SIVAGANGAI DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.R.MANICKAM, Advocate (SR-15476[I] dated 23/12/2022)

ORDER
IN
CRL OP(MD) No.22981 of 2022
Date :23/12/2022

USK/VR/SAR- /23.12.2022/2P/5C