



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02.03.2023

WEB COPY

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD) . No.4002 of 2023

K.Palmurugan

... Petitioner/Accused No.5

Vs

The State Rep.by
The Inspector of Police,
K.V Nallur Police Station,
Tenkasi District.
Crime No.135 of 2014.

... Respondent/Complainant

For Petitioner : M/s.Thalaimutharasu.G,
Advocate.

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

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

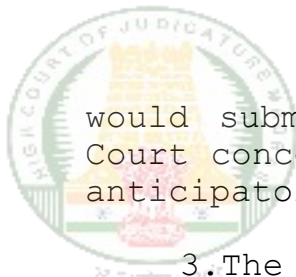
PRAYER :-

To enlarge the petitioner on bail in the event of his arrest by the respondent police based on the Non-Bailable warrant issued against them in S.C.No.228 of 2022 on the file of the Subordinate Judge, Sankarankovil, Tenkasi District.

ORDER : The Court made the following order :-

The petitioner/A5 who apprehends arrest for the alleged offence under Sections 147, 148, 294(b), 323, 324, 307 and 506(ii) of IPC in connection with Non-Bailable Warrant issued in S.C.No.228 of 2022 on the file of the learned Subordinate Judge, Sankarankovil, Tenkasi District in Crime No.135 of 2014 on the file of the respondent police, seeks anticipatory bail.

2.The learned Counsel for the petitioner would submit that the petitioner is arrayed as A5 in S.C.No.228 of 2022 pending trial on the file of the learned Subordinate Judge, Sankarankovil, Tenkasi District. The petitioner had been regularly appearing before the Court concerned and due to his ill-health, he was unable to appear before the Court concerned on 07.02.2022 and thereby, the learned Subordinate Judge, Sankarankovil, Tenkasi District, had issued Non Bailable Warrant against the petitioner on the same day itself. He



would submit that the petitioner was unable to appear before the Court concerned due to his ill-health and thereby, he would seek for anticipatory bail.

3.The learned Government Advocate (Crl.side) would submit that the petitioner is the Accused No.5 in S.C.No.228 of 2022. Since, the petitioner did not appear before the trial Court on 07.02.2022, the learned Subordinate Judge, Sankarankovil, Tenkasi District had issued the NBW of arrest. 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.

4.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 Subordinate Judge, Sankarankovil, Tenkasi District, shall consider and pass appropriate orders on the same day taking into consideration the merits of the case.

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

sd/-

02/03/2023

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/03/2023

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

TO

- 1 THE SUBORDINATE JUDGE, SANKARANKOVIL,
TENKASI DISTRICT.
- 2 THE INSPECTOR OF POLICE
K.V NALLUR POLICE STATION, TENKASI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.P.VEERA PANDI, Advocate (SR-3261[I] dated 02/03/2023)

ORDER

IN

CRL OP(MD) No.4002 of 2023

Date :02/03/2023

SS/RR/SAR II(09.03.2023) 2P 5C