



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/03/2023

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.5794 of 2023

1. Sudhakar,
2. Muthukaumar, ... Petitioners/Accused Nos. 3 & 5

Vs

State Rep.by
The Sub Inspector of Police,
Thiruchuli Police Station,
Thiruchuli,
Viruthunagar District. ... Respondent/Complainant

For Petitioner : M/s.Balamurugapandi.D, Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No. 157/2012 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/accused who apprehend arrest at the hands of the respondent police in P.R.C.No.8 of 2014 on the file of the learned District Munsif cum Judicial Magistrate, Thiruchuli, Virudhunagar District for the offences punishable under Sections 147, 148, 294(b), 341, 323, 353, 336, 149 of IPC r/w.3(i), 5 of TNPPDL Act in Crime No.157 of 2012, seeks anticipatory bail.

2.The petitioners were absent during the trial in P.R.C.No.8 of 2014 on the file of the learned District Munsif cum Judicial Magistrate, Thiruchuli, Virudhunagar District Therefore, Non-Bailable Warrant came to be issued.

3.The learned counsel appearing for the petitioners undertakes that the petitioners will appear before the Court below regularly on the fixed hearing dates without fail.



4. Considering the undertaking given by the learned counsel for the petitioners, the petitioners are directed to appear before the learned learned District Munsif cum Judicial Magistrate, Thiruchuli, Virudhunagar District on the next hearing and to file a petition under Section 70(2) of Cr.P.C., to recall NBW already issued against them. On the filing of such petition, the concerned learned Magistrate is directed to consider the same on its own merits and in accordance with law and pass orders on the same day.

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

6. It is made clear that while considering the petition to recall, the Court below shall bear in mind about the period of Non-Bailable Warrant and any crime committed while pending Non-Bailable Warrant. Mere direction issued by this Court to consider the application on the same day does not amount to direction to consider the recall petition favourably.

sd/-
29/03/2023

/ TRUE COPY /

/04/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV
TO

1 THE JUDICIAL MAGISTRATE,
THIRUCHULI, VIRUDHUNAGAR DISTRICT.

2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT @ SRIVILLIPUTHUR.

3 THE SUB INSPECTOR OF POLICE
THIRUCHULI POLICE STATION, THIRUCHULI,
VIRUDHUNAGAR DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s. BALAMURUGAPANDI.D, Advocate (SR-5182[I] dated
30/03/2023)

ORDER
IN
CRL OP(MD) No.5794 of 2023
Date : 29/03/2023

PKP/CG/SAR-2/03.04.2023/ 2P/6C

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