



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 31/03/2023

WEB COPY

PRESENT

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

CRL OP (MD) . No.6059 of 2023

Arul Alias Mani

... Petitioner/Accused

Vs

The State represented by
The Inspector of Police,
Ayyampettai Police Station,
Thanjavur District.
Cr.No.216/2015.

... Respondent/Complainant

For Petitioner : M/s.K.Arunraj,
Advocate.

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. 216/2015 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/accused apprehends arrest at the hands of the respondent police in Spl.S.C.No.110 of 2019 on the file of the learned Sessions Judge, Special Court in the cadre of District Judge for Exclusive trial of cases under POCSO Act, Thanjavur for the offence punishable under Section 366(A) of IPC and Sections 6 and 9 of Protection of Children from Sexual Offences Act in Crime No.216 of 2015, seeks anticipatory bail.

2.The petitioner was absent during the trial in Spl.S.C.No.110 of 2019 on the file of the learned Sessions Judge, Special Court in the cadre of District Judge for Exclusive trial of cases under POCSO Act, Thanjavur Therefore, Non-Bailable Warrant came to be issued.

3.The learned counsel appearing for the petitioner undertakes that the petitioner shall appear before the Court below regularly on all future hearing dates without fail.



4.Considering the undertaking given by the learned counsel for the petitioner, the petitioner is directed to appear before the learned Sessions Judge, Special Court in the cadre of District Judge for Exclusive trial of cases under POCSO Act, Thanjavur on the next hearing and to file a petition under Section 70(2) of Cr.P.C., to recall NBW already issued against him. 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/-

31/03/2023

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/04/2023

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

AAV

TO

- 1 THE SESSIONS JUDGE,
SPECIAL COURT IN THE CADRE OF DISTRICT JUDGE
FOR EXCLUSIVE TRIAL OF CASES UNDER POCSO ACT,
THANJAVUR.
- 2 THE INSPECTOR OF POLICE
AYYAMPETTAI POLICE STATION, THANJAVUR DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

- 1 THE REGISTRAR(JUDICIAL),
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 2 THE SECTION OFFICER,
CRIMINAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S. K.ARUNRAJ Advocate SR.No.5323

ORDER IN

CRL OP(MD) No.6059 of 2023
Date :31/03/2023