



WEB COPY

CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/04/2023

PRESENT

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

CRL OP(MD) . No.7628 of 2023

Masilamani,

... Petitioner/Accused

Vs

the state rep by
The Inspector of Police,
Courtallam Police Station,
Tenkasi District.

Crime No.1358 of 2010..

... Respondent/Complainant

For Petitioner : M/s.R.J.Karthick,
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.1358 of 2010 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner apprehends arrest at the hands of the respondent police in C.C. No.57 of 2011 on the file of the learned Judicial Magistrate, Shenkottai for the offences punishable under Section 379 of IPC in Crime No.1358 of 2010, seeks anticipatory bail.

2.The petitioner was absent during the trial in C.C. No.57 of 2011 on the file of the learned Judicial Magistrate, Shenkottai. 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

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



learned learned Judicial Magistrate, Shenkottai on the next day 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/-
25/04/2023

/ TRUE COPY /

/04/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

TO

1. The Judicial Magistrate, Shenkottai
2. The Chief Judicial Magistrate, Tenkasi District.
3. The Inspector of Police,
Courtallam Police Station,
Tenkasi District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

CRL OP(MD) No.7628 of 2023

Date : 25/04/2023

KB/AR/SIV(27.04.2023) 2P 5C