



WEB COPY

CRL OP(MD)



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02.06.2023

PRESENT

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

CRL OP(MD)No.9332 of 2023

A.Gnanasubramanian

... Petitioner/Accused

Vs

State through
The Inspector of Police,
Aruppukottai Town Police Station,
Virudhunagar District.
(STC.No.702/2018)

... Respondent/Complainant

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

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

PRAYER :-

To enlarge the Petitioner/Accused herein on bail in the event of his arrest or surrender before the concerned court in S.T.C.No.702/2018 on the file of Judicial Magistrate, Fast Track Court, Nagercoil.

ORDER : The Court made the following order :-

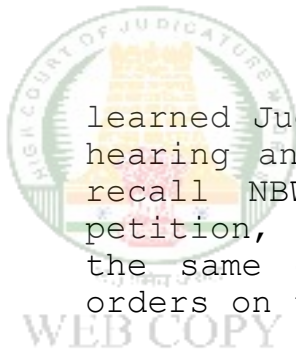
The petitioner apprehends arrest at the hands of the respondent police in STC.No.702 of 2018 on the file of the learned Judicial Magistrate, Fast Track Court, Nagercoil for the offences punishable under Section 138 of NI Act, seeks anticipatory bail.

2.The petitioner was absent during the trial in STC.No.702 of 2018 on the file of the learned Judicial Magistrate, Fast Track Court, Nagercoil. 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 Judicial Magistrate, Fast Track Court, Nagercoil on at 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. 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/-

02/06/2023

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/06/2023

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

gns

TO

- 1 THE JUDICIAL MAGISTRATE, FAST TRACK COURT, NAGERCOIL.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
- 3 THE INSPECTOR OF POLICE, ARUPPUKOTTAI TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.R.DEVARAJ, Advocate (SR-7948[I] dated 02/06/2023)

ORDER

IN

CRL OP(MD) No.9332 of 2023

Date :02/06/2023

RS/VR/SAR-(08.06.2023) 2P 6C