



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

Date : 14/06/2023

PRESENT

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

CRL OP(MD) . No.10481 of 2023

N.Shanmuganathan,

... Petitioner/Accused 1

Vs

The State Through

The Inspector of Police,
All Women Police Station,
Thallakulam,
Madurai District.
Cr.No.56/2020

... Respondent/Complainant

For Petitioner : Mr.MUNEESWARAN.B,
Advocate.

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

For Intervenor : Mr.G.BALASUBRAMANIAN, Advocate

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

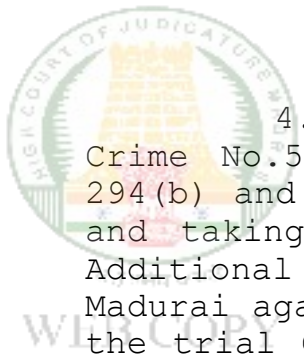
PRAYER :- For Anticipatory Bail in C.C. No.709 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

This Petition is filed to enlarge the petitioner on anticipatory bail in the even of arrest by the respondent police on the basis of the Non Bailable Warrant, issued in C.C.No.709 of 2022, on the file of the Additional District Mahila Judge (Judicial Magistrate Level), Madurai.

2.The petitioner was absent during the trial in C.C.No.709 of 2022, on the file of the Additional District Mahila Judge (Judicial Magistrate Level), Madurai. 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. It is seen that the respondent registered a Crime No.56 of 2020 for the offences under Sections 498-A, 406, 294(b) and 56(i) I.P.C and after investigation filed a final report and taking cognizance in C.C.No.709 of 2022 on the file of the Additional District Mahila Judge (Judicial Magistrate Level), Madurai against the petitioner. The petitioner did not appear before the trial Court and he absconded. As such, the trial Court issued Non Bailable Warrant and on execution of NBW, the respondent arrested the petitioner and produced before the Chief Metropolitan Magistrate, Delhi.

5. Considering the facts and circumstances of the case and that the undertaking given by the learned counsel for the petitioner, the petitioner is directed to appear before the Additional District Mahila Judge (Judicial Magistrate Level), Madurai, on 26.06.2023 in C.C.No.709 of 2022. Thereafter, the petitioner has 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 Judge is directed to consider the same on its own merits and in accordance with law and pass orders on the same day.

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

7. 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.

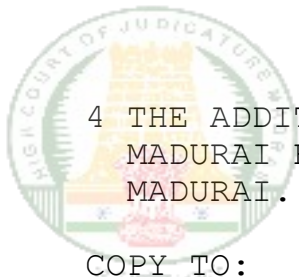
sd/-
14/06/2023

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16/06/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

LS
TO

- 1 THE ADDITIONAL DISTRICT
MAHILA JUDGE (JUDICIAL MAGISTRATE LEVEL), MADURAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THALLAKULAM,
MADURAI DISTRICT.



4 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 Mr.C.M.MARI CHELLIAH PRABHU, Advocate SR.No.8698

ORDER

IN

CRL OP (MD) No.10481 of 2023

Date :14/06/2023

PKP/CG/SAR- /16.06.2023/ **3P/8C**