



WEB COPY

CRL OP(MD).A



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/06/2023

PRESENT

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

CRL OP(MD). No.11212 of 2023

Mohammed Ali Jinna,

... Petitioner/Accused No.1

Vs

The Inspector of Police,
Ayyampettai Police Station,
Thajavur District.
In Crime No.239 of 2009..

... Respondent/Complainant

For Petitioners : M/s.S.Prabha,
Advocate.

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

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

PRAYER :-

To enlarge the petitioner/accused on bail in the event of arrest in pursuant to the NBW dated 29.04.2019 in P.R.C.No.9 of 2010 pending on the file of the learned Judicial Magistrate No.III,Thanjavur.

ORDER : The Court made the following order :-

The petitioner /accused who apprehends arrest at the hands of the respondent police in P.R.C.No.9 of 2010 pending on the file of the learned Judicial Magistrate No.III, Thanjavur for the offences punishable under Sections 147, 294(b), 295(A),452,323 and 506(ii) of IPC in Crime No.239 of 2009, seeks anticipatory bail.

2.The petitioner was absent during the trial in P.R.C.No.9 of 2010 pending on the file of the learned Judicial Magistrate No.III,Thanjavur. Therefore, Non-Bailable Warrant came to be issued.

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



3.The learned counsel appearing for the petitioner u/s 167(2) Cr.P.C. as 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 Judicial Magistrate No.III,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/-
22/06/2023

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/07/2023

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

AAV

TO

1. The Judicial Magistrate No.III,Thanjavur
2. The Inspector of Police,
Ayyampettai Police Station,
Thajavur District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.11212 of 2023
Date :22/06/2023