



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.01.2023

PRESENT

THE HON'BLE MR.JUSTICE **A.D.JAGADISH CHANDIRA**

CRL.O.P(MD)No.23335 of 2022

WEB COPY

Manikandan @ Mani

...Petitioner / Accused No.1

-vs-

The State represented by
The Inspector of Police,
Thirukokarnam Police Station,
Pudukottai District.
(in Cr.No.220 of 2017)

...Respondent / Complainant

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to release the petitioner on bail in the event of his arrest in S.C.No.28 of 2018 on the file of the learned Chief Judicial Magistrate, Pudukottai in Cr.No.220 of 2017 on the file of the Inspector of Police, Thirukokarnam Police Station, Pudukottai and District.

For Petitioner : Mr.C.Deepak, Advocate.

For Respondent : Mr.K.Sanjai Gandhi
Government Advocate (Crl.side)

O R D E R

The learned Counsel for the petitioner would submit that the petitioner apprehends arrest pursuant to the Non Bailable warrant issued against the petitioner on 14.09.2022 by the learned Chief Judicial Magistrate, Pudukottai.

2.The learned Counsel for the petitioner would submit that the petitioner is arrayed as A1 in S.C.No.28 of 2018 pending trial on the file of the learned Chief Judicial Magistrate, Pudukottai. The petitioner had been regularly appearing before the Court concerned and that he was unable to appear before the Court concerned on 14.09.2022, thereby, the learned Chief Judicial Magistrate, Pudukottai, had issued Non Bailable Warrant against the petitioner. He would submit that due to his illness, the petitioner was unable to appear before the Court concerned, and thereby, he would seek for anticipatory bail.

3.The learned Government Advocate (Crl.side) would submit that the petitioner is the Accused No.1 in S.C.No.28 of 2018. Since, the petitioner did not appear before the trial Court on 14.09.2022, the learned Judge had issued the NBW of arrest. He would also submit



that the only option available to the petitioner is to appear before the Court concerned and to file an application for recall of warrant.

5.Considering the submissions made by the learned Counsel for the petitioner as well as the learned Government Advocate (Crl.side), the petitioner is directed to surrender before the Court concerned and file a petition seeking to recall Non Bailable Warrant and the learned Chief Judicial Magistrate, Pudukottai shall consider and pass appropriate orders on the same day taking into consideration the merits of the case.

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

sd/-

03/01/2023

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/01/2023

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

TO

- 1 THE CHIEF JUDICIAL MAGISTRATE
PUDUKKOTTAI.
- 2 THE INSPECTOR OF POLICE
THIRUKOKARNAM POLICE STATION,
PUDUKKOTTAI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.23335 of 2022

Date :03/01/2023

cmr

MK/MMS/SAR II(10.01.2023) 2P 4C