



CRL OP(MD)No.22212 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date: 08.12.2023

PRESENT

The Hon`ble MR JUSTICE V.SIVAGNANAM

CRL OP(MD)No.22212 of 2023

Sathyaraj @ Sakthiyaraaj

... Petitioner/5th Accused

Vs

The Inspector of Police,
Austinpatti Police Station,
Madurai District.
Crime No.319 of 2016

... Respondent/Complainant

For Petitioner : Mr.S.Pandiyaraj, Advocate

For Respondent : Mr.RMS.Sethu Raman
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.319 of 2016 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A5, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 294(b), 323 and 506(i) of IPC



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and Section 4 of TNPHW Act, in Crime No.319 of 2016 on the file of the respondent police, seeks anticipatory bail.

2. When the matter is taken up for hearing, the learned Additional Public Prosecutor submitted that the petitioner is an accused in Cr.No.319 of 2016 on the file of the respondent Police and he was already granted anticipatory bail in Crl.M.P.No.4081 of 2018, dated 30.08.2018, by the learned Principal District Judge, Madurai. However, the petitioner has not complied with the conditions stipulated in the order dated 30.08.2018. Thereafter, investigation has been completed and final report has been filed in C.C.No.660 of 2023 before the Judicial Magistrate, Tirumangalam. Apprehending arrest, the petitioner filed an application for anticipatory bail before the learned Principal Subordinate Judge, which was dismissed and against the petitioner, non bailable warrant is now pending. He strongly oppose to grant anticipatory bail to the petitioner.

3. In view of the same, the petition stands dismissed. However the petitioner is at liberty to appear before the learned Judicial Magistrate, Thirumangalam, and to file a petition under Section 70(2) of Cr.P.C., to recall NBW already issued against him.

On filing of such petition, the concerned learned Judicial Magistrate is directed to

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



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consider the same on its own merits and in accordance with law and pass orders on the same day.

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4.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/-
08/12/2023

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/12/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

cmr

TO

1. THE JUDICIAL MAGISTRATE, THIRUMANGALAM.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.
- 3.THE INSPECTOR OF POLICE,
AUSTINPATTI POLICE STATION,MADURAI DISTRICT.



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4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.PANDIYARAJ, Advocate (SR-17559[I] dated 11/12/2023)

ORDER
IN
CRL OP(MD) No.22212 of 2023
Date :08/12/2023

RK/VR (27/12/2023) 4P / 6C

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