



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

Wednesday, the Twenty Ninth day of December Two Thousand Ten

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.SUBBIAH

CRL OP(MD) No.15536 of 2010

1 UTHIRAPATHY
2 KUMAR
3 SUNDARAM
4 DEVENDRAN
5 SIVALINGAM
6 MARIAPPAN
7 SENTHIL
8 THIRUPATHY
9 BOOMINATHAN

... PETITIONERS / ACCUSED NOS.1,3,4,10 TO 14,16
Vs

STATE, REPRESENTED BY
THE INSPECTOR OF POLICE
THANJAVUR TALUK POLICE STATION,
THANJAVUR, THANJAVUR DISTRICT.
CR.NO.442 OF 2007 ... RESPONDENT / COMPLAINANT

For Petitioner : M/S. A.THIRUVADIKUMAR Advocate
For Respondent : M/S.S.MUTHU VENKATESAN, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

Apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 147, 148, 448, 506(ii) IPC and Sec.3 (1) of TNPPDL Act, the petitioners have come forward with the petition for anticipatory bail.

2. Heard the learned Counsel for the petitioners and the learned Government Advocate (Criminal Side) appearing for the respondent.

3. The case of the prosecution is that on 8/11/2007, due to the election dispute with regard to the panchayat Election, the petitioners along with other accused are said to have trespassed into the house of one Tamilarasan and caused damage to the household articles and utensils of the defacto complainant to the tune of Rs.10,000/-

4. When the matter is taken up for consideration, the learned APP would submit that a charge sheet has been filed in PRC No.56 of 2010 treating the petitioners as absconding accused.



5. In view of the submission made by the learned APP, this Court is constrained to direct the petitioners to file a petition before the trial Magistrate under Section 70(2) of Cr.P.C. and in the event of filing of such petition to recall the Non Bailable Warrant, the trial Judge shall consider the same liberally on the same day on merits and in accordance with law. It is also made clear that the petitioners need not surrender for filing a petition under Section 70(2) of Cr.P.C. as under Section 70(2) of Cr.P.C., there is no requirement for the petitioner to appear in person for filing a petition under Section 70(2) of Cr.P.C.

6. With the above direction, this petition is disposed of.

sd/-
29/12/2010

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE JUDICIAL MAGISTRATE NO.II, THANJAVUR
- 2 -DO-THRO' THE CHIEF JUDICIAL MAGISTRATE
THANJAVUR AT KUMBAKONAM
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
- 4 THE INSPECTOR OF POLICE
THANJAVUR TALUK POLICE STATION,
THANJAVUR, THANJAVUR DISTRICT.

+1. CC to M/S. A.THIRUVADIKUMAR Advocate SR.No.52797

ORDER
IN
CRL OP(MD) No.15536 of 2010
Date :29/12/2010

SMA/30.12.2010/6C/2P