



CRL OP(MD). No.20285 of 2023

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

Date : 17/11/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD). No.20285 of 2023

M.Suresh

... Petitioner/Sole Accused

Vs

The State rep.by,
The Inspector of Police,
Murappanadu Police Station,
Thoothukudi District..
Crime No.75/2015,

... Respondent/Complainant

For Petitioner : Mr.Senthil Sankara Natha Kumar,
Advocate.

For Respondent : Mr.R.M.S.Sethuraman,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.75/2015 on the file of the Respondent Police.



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ORDER : The Court made the following order :-

The petitioner apprehends arrest at the hands of the respondent police in S.C. No.89 of 2022 pending on the file of the II Additional District Court, Thoothukudi for the offences punishable under Sections 120(B),294(b),302,307r/w.34, 114 of IPC in Crime No.75 of 2015, seeks anticipatory bail.

2.The petitioner was absent during the trial in S.C. No.89 of 2022 pending on the file of the II Additional District Court, Thoothukudi. 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. The learned Additional Public Prosecutor would submit that because of abscondance of this petitioner the trial is stalled hence he objected to grant anticipatory bail to the petitioner.



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5. In view of the same, the petition stands dismissed. However the petitioner is at liberty to appear before the learned II Additional District and Sessions Judge, Thoothukudi 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 Sessions Judge is directed to consider the same on its own merits and in accordance with law and pass orders on the same day.

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/-
17/11/2023

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/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

1. The II Additional District Judge, Thoothukudi.



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2.The Inspector of Police,
Murappanadu Police Station,
Thoothukudi District..

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.S.SENTHIL SANKARA NATHA KUMAR, Advocate (SR-16466[I]
dated 17/11/2023)

ORDER
IN
CRL OP(MD) No.20285 of 2023
Date :17/11/2023

RK/DD (22/11/2023) 4P / 5C

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