



CRL OP(MD). No.23341 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/12/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD). No.23341 of 2023

Devi

... Petitioner/ Accused No.3

Vs

The Inspector of Police,
Thirupachethi Police Station,
Sivagangai District.
(Crime No.258 of 2021).

... Respondent/Complainant

For Petitioner : M/s.Haroon Rasheed.D.S, 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. 258 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/ A3 who apprehends arrest at the hands of the respondent police in C.C. No.164 of 2022 pending on the file of the learned District Munsif cum Judicial Magistrate, Thirupuvanam for the offences punishable under Sections 294(b),323,336 and 506(ii) of IPC in Crime No.258 of 2021, seeks anticipatory bail.



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2.The petitioner was absent during the trial in C.C. No.164 of 2022 pending on the file of the learned District Munsif cum Judicial Magistrate, Thirupuvanam. 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.

5.In view of the same, the petition stands dismissed. However the petitioner is at liberty to surrender before the learned District Munsif cum Judicial Magistrate, Thirupuvanam 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 Magistrate 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



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the recall petition favourably.

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Sub-Assistant Registrar (C.S.I/II/III/IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV
TO

- 1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE, THIRUPUVANAM.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT.
- 3 THE INSPECTOR OF POLICE, THIRUPACHETHI POLICE STATION,
SIVAGANGAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.23341 of 2023
Date :22/12/2023

RS/JGB/SAR-(03.01.2024) 3P 5C
Madurai Bench of Madras High Court is issuing
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