



CRL OP(MD) No.244 of 2024

WEB COPY

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

Tuesday, the Ninth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.244 of 2024

KANI RAJA

... PETITIONER/ ACCUSED 12

Vs

THE INSPECTOR OF POLICE
SIVAGANGAI TOWN POLICE STATION,
SIVANGANGAI DISTRICT.
CRIME NO.549 OF 2021.

... RESPONDENT/COMPLAINANT

For Petitioner : MR.RAJASELVAN.R., Advocate

For Respondent : MR.B.NAMBISELVAN, Additional Public Prosecutor

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

PRAYER:- To enlarge pleases to the petitioner on bail in the event of his arrest or surrender in the case in PRC.No.16 of 2022 on the file of the Hon'ble Judicial Magistrate No.I, Sivagangai District.

ORDER : The Court Made the following order :-

The petitioner / Accused No.12, who apprehends arrest at the hands of the respondent Police for the alleged offence punishable under Sections 147, 148, 427, 294(b), 302, 506 (2), 109, 342 and 120(B) of I.P.C. in P.R.C.No.16 of 2022, on the file of the Judicial Magistrate Court No.I, Sivagangai, seeks anticipatory bail.



CRL OP(MD) No.244 of 2024

WEB COPY

2. The petitioner was absent during the trial in P.R.C.No.16 of 2022, on the file of the Judicial Magistrate Court No.I, Sivagangai. Therefore, Non-Bailable Warrant came to be issued on 24.08.2022.

3. The learned counsel appearing for the petitioner would submit that since the petitioner suffered ill health, he could not appear before the lower Court and hence NBW was issued against him on 24.08.2022. However, his non appearance is neither wilful nor wanton.

4. The learned Additional Public Prosecutor would submit that since the petitioner did not appear before the trial Court, the absconding charge sheet has been filed. Thereafter, non bailable warrant was issued against him on 24.08.2022.

5. In view of the above position, this Court is of the opinion that the relief available to the petitioner is to surrender before the learned Magistrate concerned and to file a petition under Section 70(2) of Cr.P.C. to recall the Non Bailable Warrant of arrest issued against him. Therefore, the question of granting anticipatory bail does not at all arise.

6. Considering the fact that non bailable warrant is pending against the petitioner, the petitioner is directed to surrender before the Judicial Magistrate Court No.I, Sivagangai and file a petition under Section 70(2) of Cr.P.C. to recall the non bailable warrant. On filing of such petition, the learned Judicial Magistrate Court



CRL OP(MD) No.244 of 2024

No.I, Sivagangai is directed to consider the said petition on merits and pass orders
WEB COPY
on the same day.

7. Accordingly, this Criminal Original Petition is disposed of.

sd/-
09/01/2024

/ TRUE COPY /

/01/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TSG
TO

1 THE JUDICIAL MAGISTRATE NO.I, SIVAGANGAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT.

3 THE INSPECTOR OF POLICE
SIVAGANGA TOWN POLICE STATION, SIVANGANGAI DISTRICT.

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

+1 CC to M/s.R.RAJASELVAN, Advocate (SR-404[I] dated 09/01/2024)

ORDER IN
CRL OP(MD) No.244 of 2024
Date :09/01/2024

SA/DD/SAR. /11.01.2024/3P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.