



CRL OP(MD) No.434 of 2024

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

Wednesday, the Tenth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.434 of 2024

THAVARAJA

... Petitioner / Accused No.2

Vs

THE INSPECTOR OF POLICE
ARUPPUKOTTAI TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT.
(CRIME NO.374/2020.)

... Respondent / Complainant

For Petitioner : M/S.K.Malaimaran, Advocate

For Respondent : Mr.P.Kottaichay,
Government Advocate (Crl. Side)

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

PRAYER : FOR ANTICIPATORY BAIL IN CRIME NO.374/2020 ON THE FILE OF
THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner / Accused No.2, who apprehends arrest at the hands of the
respondent Police for the alleged offence punishable under Sections 406 and 420 of



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I.P.C. in Crime No.374 of 2020, seeks anticipatory bail.

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2. The petitioner was absent during the trial. Therefore, Non-Bailable Warrant came to be issued on 04.01.2023.

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 04.01.2023. However, his non appearance is neither wilful nor wanton.

4. The learned Government Advocate (Criminal Side) appearing for the respondent Police would submit that already the trial is pending before the trial Court. He would further submit that since the petitioner did not appear before the trial Court, non bailable warrant was issued against him on 04.01.2023.

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 concerned Judicial Magistrate and file a petition under Section 70(2) of Cr.P.C. to recall the non bailable



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warrant. On filing of such petition, the concerned Judicial Magistrate is directed to consider the said petition on merits and pass orders on the same day.

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

sd/-
10/01/2024

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/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,
Aruppukottai, Virudhunagar District.

2.Do through the Chief Judicial Magistrate,
Virudhunagar District at Srivilliputhur.

3.The Inspector of Police,
Aruppukottai Town Police Station,
Virudhunagar District.

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

+1 CC to M/s.K.MALAIMARAN, Advocate (SR-475[I] dated 10/01/2024)



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ORDER

IN

CRL OP(MD) No.434 of 2024

Date :10/01/2024

ED/ DD /SAR- (19/01/2024) 4P / 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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