



CRL OP(MD) No.436 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Thursday, the Eleventh day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.436 of 2024

MURUGESAN

... PETITIONER / ACCUSED No.11

Vs

THE INSPECTOR OF POLICE
THANJAVUR SOUTH POLICE STATION,
THANJAVUR DISTRICT.
(IN CRIME NO.33 OF 2015)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.SUYAMBULINGA BHARATHI Advocate

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

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

To enlarge the petitioner/accused No.11 on bail in the event of their arrest in the connection with a case in S.C.No.226 of 2018 on the file of the learned Additional District Judge, Special Court under E.C.Act Cases, Thanjavur in Cr.No.33/2015 on the file of the respondent police.

ORDER : The Court Made the following order :-

The petitioner / Accused No.11, who apprehends arrest at the hands of



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the respondent Police for the alleged offence punishable under Sections 302 IPC @ 120(b), 147, 148, 341, 506(ii) and 201 of I.P.C in S.C.No.226 of 2018 on the file of the learned Additional District Judge, Special Court under E.C. Act Cases, Thanjavur in Crime No.33 of 2015, seeks anticipatory bail.

2. The petitioner was absent during the trial in S.C.No.226 of 2018 on the file of the learned Additional District Judge, Special Court under E.C. Act Cases, Thanjavur. Therefore, Non-Bailable Warrant came to be issued.

3. The learned counsel appearing for the petitioner would submit that since the petitioner did not appear before the lower Court, NBW was issued against him. However, his non appearance is neither wilful nor wanton.

4. The learned Additional Public Prosecutor appearing for the respondent Police would submit that since the petitioner did not appear before the trial Court, the non bailable warrant was issued against him.

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



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petitioner, the petitioner is directed to surrender before the learned Additional District Judge, Special Court under E.C. Act Cases, Thanjavur. 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 Judge 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/-

11/01/2024

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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 ADDITIONAL DISTRICT JUDGE,
SPECIAL COURT UNDER E.C.ACT CASES,
THANJAVUR
- 2 THE INSPECTOR OF POLICE
THANJAVUR SOUTH POLICE STATION,
THANJAVUR DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.



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ORDER
IN
CRL OP(MD) No.436 of 2024
Date :11/01/2024

SS/DD/SAR- /24/01/2024/4P/4C

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