



CRL OP(MD) No.708 of 2024

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

Thursday, the Eighteenth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.708 of 2024

KANNAN

... PETITIONER/ ACCUSED RANK A1

Vs

THE INSPECTOR OF POLICE
SIVAGANGAI TALUK POLICE STATION,
SIVAGANGAI DISTRICT.
CRIME NO.376/2016.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.AYSHA BEGUM.S Advocate

For Respondent : MR.SS.MADHAVAN, Govt. Advocate (Crl. Side)

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

Prayer:

To enlarge the petitioner on anticipatory bail in the event of his arrest in connection with CC No.70/2017 on the file of the Learned Judicial Magistrate Court II, Sivagangai.

ORDER : The Court Made the following order :-

The petitioner / Accused No.1, who apprehends arrest at the hands of the respondent Police for the alleged offence punishable under Sections 379 of I.P.C., in



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C.C.No.70 of 2017, on the file of the Judicial Magistrate Court No.II, Sivagangai, seeks anticipatory bail.

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2. The petitioner was absent during the trial in C.C.No.70 of 2017, on the file of the Judicial Magistrate Court No.II, Sivagangai. Therefore, Non-Bailable Warrant came to be issued on 02.01.2020.

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 02.01.2020. However, his non appearance is neither wilful nor wanton.

4. The learned Government Advocate (Crl.Side) 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 02.01.2020.

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



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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.II, 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 No.II, Sivagangai 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/-
18/01/2024

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/01/2024

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

DSS

TO

1.THE JUDICIAL MAGISTRATE NO.II, SIVAGANGAI

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI



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3.THE INSPECTOR OF POLICE
SIVAGANGAI TALUK POLICE STATION,
SIVAGANGAI DISTRICT.

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

+1 CC to M/s.S.AYSHA BEGUM, Advocate (SR-793[I] dated 18/01/2024)

ORDER
IN
CRL OP(MD) No.708 of 2024
Date :18/01/2024

RK/DD (24/01/2024) 4P /6C

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