



CRL OP(MD) No.732 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.732 of 2024

PITCHAI MUTHU

... PETITIONER / ACCUSED No.2

Vs

THE INSPECTOR OF POLICE
TIRUCHULI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
(IN CRIME NO.157 OF 2012)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.D.BALAMURUGA PANDI 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 bail in the event of his arrest in connection with the case in P.R.C.No.1 of 2021 on the file of Learned District Munsif Cum Judicial Magistrate, Tiruchuli, Virudhunagar District, in connection with a case in Crime no.157 of 2012 on the file of 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 147, 148,



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294(b), 341, 323, 353 and 336 of IPC, Section 3(1) of Tamil Nadu Properties (Prohibition of Damage and Loss) Act r/w Section 149 of IPC, in P.R.C.No.1 of 2021, on the file of the District Munsif cum Judicial Magistrate, Tiruchuli, Virudhunagar District, seeks anticipatory bail.

2. The petitioner was absent during the trial in P.R.C.No.1 of 2021, on the file of the District Munsif cum Judicial Magistrate, Tiruchuli, Virudhunagar District. Therefore, Non-Bailable Warrant came to be issued on 27.11.2015.

3. The learned counsel appearing for the petitioner would submit that since the petitioner went to Kerala for eking out of his livelihood, he could not appear before the lower Court and hence NBW was issued against him on 27.11.2015. 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 27.11.2015.

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.



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6. Considering the fact that non bailable warrant is pending against the petitioner, the petitioner is directed to surrender before the District Munsif cum Judicial Magistrate, Tiruchuli, Virudhunagar District 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 District Munsif cum Judicial Magistrate, Tiruchuli, Virudhunagar District 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

/ TRUE COPY /

/01/2024

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

SJI

TO

1 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, TIRUCHULI,
VIRUDHUNAGAR DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3 THE INSPECTOR OF POLICE
TIRUCHULI POLICE STATION,
VIRUDHUNAGAR DISTRICT.



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

+1 CC to M/s.D.BALAMURUGAPANDI, Advocate (SR-773[I] dated 18/01/2024)

ORDER
IN
CRL OP(MD) No.732 of 2024
Date :18/01/2024

SS/VR/SAR- /23/01/2024/4P/6C

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