



CRL OP(MD) No.917 of 2024

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

Friday, the Nineteenth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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1 VIJAYAKUMAR @ VIJAYAN

2 MEENSURITY KUMAR @ NETTAI KUMAR @ KUMAR,

3 MANIMARAN @ MANI

4 MANI @ MANIKANDAN

... PETITIONERS / ACCUSED Nos. 2,4,5 & 14

Vs

**THE INSPECTOR OF POLICE
THANJAVUR SOUTH POLICE STATION,
THANJAVUR DISTRICT.
CR.NO.33/2015**

... RESPONDENT/ COMPLAINANT

For Petitioner : MR.DHILIPAN PANDIAN R.L. 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 ON BAIL IN S.C.NO.226/2018
ON FILE OF THE COURT OF THE ADDITIONAL DISTRICT JUDGE SPECIAL
COURT UNDER EC ACT CASES THANJAVUR THANJAVUR DISTRICT AND
THUS RENDER JUSTICE.**

<https://www.mhc.tn.gov.in/judis>



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ORDER : The Court Made the following order :-

The petitioners / Accused Nos.2, 4, 5 & 14, who apprehend arrest at the hands of the respondent Police for the alleged offence punishable under Sections 147, 148, 149, 201, 120(b), 302 and 109 of I.P.C., in S.C.No.226 of 2018, on the file of the learned Additional District Judge, Special Court Under EC Act cases, Thanjavur, Thanjavur District, seek anticipatory bail.

2. The petitioners were absent during the trial in S.C.No.226 of 2018, on the file of the Additional District Judge, Special Court Under EC Act cases, Thanjavur, Thanjavur District. Therefore, Non-Bailable Warrant came to be issued on 04.01.2024.

3. The learned counsel appearing for the petitioners would submit that since the petitioners suffered ill health, they could not appear before the lower Court and hence, NBW was issued against them on 04.01.2024. However, their non appearance is neither wilful nor wanton.

4. The learned Additional Public Prosecutor would submit that since the petitioners did not appear before the trial Court, the absconding charge sheet has been filed. Thereafter, non bailable warrant was issued against them on 04.01.2024.

5. In view of the above position, this Court is of the opinion that the relief available to the petitioners 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 them. Therefore, the question of granting anticipatory bail does not at all arise.

6. Considering the fact that non bailable warrant is pending against the petitioners, the petitioners are directed to surrender before the Additional District Judge, Special Court Under EC Act cases, Thanjavur, Thanjavur 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 Additional District Judge, Special Court Under EC Act cases, Thanjavur, Thanjavur 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/-
19/01/2024

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

DAS
TO

1 THE ADDITIONAL DISTRICT JUDGE
SPECIAL COURT UNDER EC AND CASES, THANJAVUR,
THANJAVUR DISTRICT.



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- 2 THE INSPECTOR OF POLICE
THANJAVUR SOUTH POLICE STATION,
THANJAVUR DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.917 of 2024
Date :19/01/2024

PKP/DD/SAR /29.01.2024/ 4P/ 4C

Madurai Bench of Madras High Court is issuing certified
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