



CRL OP(MD) No.1084 of 2024

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

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

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.1084 of 2024

CLINTON

... PETITIONER/ ACCUSED NO.1

Vs

THE INSPECTOR OF POLICE
NITHRAVILAI POLICE STATION,
KANYAKUMARI DISTRICT.
CR.NO.107/2014

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.SIVAKUMAR.S Advocate

For Respondent : MR.S.MANIKANDAN, Govt. Advocate (CrI. Side)

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

Prayer:

To pass orders directing the release of the petitioner on anticipatory bail in the event of arrest by the respondent police in SC No.34/2023 on the files of the Sub Court Kuzhithurai and thus render justice.



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ORDER : The Court Made the following order :-

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The petitioner / A1, who apprehends arrest at the hands of the respondent Police for the alleged offence punishable under Sections 147, 341, 294(b), 332, 353 and 307 of IPC, in S.C.No.34 of 2023, on the file of the Sub Court, Kuzhithurai, seeks anticipatory bail.

2. The petitioner was absent during the trial in S.C.No.34 of 2023, on the file of the Sub Court, Kuzhithurai. Therefore, Non-Bailable Warrant came to be issued on 26.04.2023.

3. The learned counsel appearing for the petitioner would submit that since the petitioner is in abroad, he could not appear before the lower Court and hence NBW was issued against him on 26.04.2023. 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 26.04.2023.



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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 Sub Court, Kuzhithurai 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 Sub Judge, Kuzhithurai 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/-
24/01/2024

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/02/2024
Sub-Assistant Registrar (CS- I/ II / III/ IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

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TO
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1. THE SUBORDINATE JUDGE, KUZHITHURAI

2 THE INSPECTOR OF POLICE
NITHRAVILAI POLICE STATION,
KANYAKUMARI DISTRICT.

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

+1 CC to M/s.S.SIVAKUMAR, Advocate (SR-986[I] dated 24/01/2024)

ORDER
IN
CRL OP(MD) No.1084 of 2024
Date :24/01/2024

RK/VR (31/01/2024) 4P / 5C

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