



CRL OP(MD) No.1085 of 2024

WEB COPY

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.1085 of 2024

A .THAJUDEEN ARAFATH

... PETITIONER/ ACCUSED NO.3

Vs

THE INSPECTOR OF POLICE

PETTAI POLICE STATION,

TIRUNELVELI DISTRICT.

CR.NO.56/2010

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.KRISHNASAMY.P Advocate

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

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

Prayer in CRL OP(MD). 1085/ 2024 :

To enlarge the petitioner on anticipatory bail in the event of his arrest by the respondent police in Cr.No.56/2010 on the strength of the Nonailable Warrant issued by learned Judicial Magistrate No.V Tirunelveli in CC.No.184/2012 pending

ORDER : The Court Made the following order :-

The petitioner / Accused No.3, who apprehends arrest at the hands of the respondent Police for the alleged offence punishable under Sections 457 and 380 of



CRL OP(MD) No.1085 of 2024

I.P.C., in C.C.No.184 of 2012, on the file of the learned Judicial Magistrate No.V, Tirunelveli, seeks anticipatory bail.

WEB COPY

2. The petitioner was absent during the trial in C.C.No.184 of 2012, on the file of the learned Judicial Magistrate No.V, Tirunelveli. Therefore, Non-Bailable Warrant came to be issued on 27.01.2021.

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 27.01.2021. 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 27.01.2021.

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



CRL OP(MD) No.1085 of 2024

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 No.V, Tirunelveli, 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 No.V, Tirunelveli, 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

/ TRUE COPY /

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

DSS

TO

1.THE JUDICIAL MAGISTRATE NO.V TIRUNELVELI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.



CRL OP(MD) No.1085 of 2024

3 THE INSPECTOR OF POLICE
PETTAI POLICE STATION,
TIRUNELVELI DISTRICT.

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

ORDER
IN
CRL OP(MD) No.1085 of 2024
Date :24/01/2024

RK/JGB (31/01/2024) 4P / 5C
Madurai Bench of Madras High Court is issuing certified copies in this format from
17/07/2023