



CRL OP(MD) No.1160 of 2024

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

Tuesday, the Thirtieth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.1160 of 2024

1 KRISHNAN @ PETER KRISHNAN

2 KANNAN @ DAVID

3 SELVAM @ JOHNSON

4 PAUL

5 DASS

6 A.KOVIL PITCHAI MANI @ AKP MANI

7 JOHN KANNAN

8 KAVITHA

9 MEENAKSHI

... PETITIONERS/ ACCUSED

Vs

THE INSPCTOR OF POLICE
SAMAYANALLUR POLICE STATION,
MADURAI DISTRICT.
CR.NO.298/2018

... RESPONDENT / COMPLAINANT



CRL OP(MD) No.1160 of 2024

For Petitioner : M/S.SARAVANAKUMAR.P Advocate

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

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

PRAYER:

To enlarge the petitioners herein on bail in the event of their arrest in pursuant to the NBW dated 21.11.2022 in C.C.No.129/2021 pending on the file of the learned Judicial Magistrate Vadipatti Madurai District.

ORDER : The Court Made the following order :-

The petitioners/A1 to A7, A9 and A10, who apprehend arrest at the hands of the respondent Police for the alleged offence punishable under Sections 147, 294(b), 298 and 506 (ii) of I.P.C. in C.C.No.129 of 2021, on the file of the Judicial Magistrate, Vadipatti, Madurai, seek anticipatory bail.

2. The petitioners were absent during the trial in C.C.No.129 of 2021, on the file of the learned Judicial Magistrate, Vadipatti, Madurai. Therefore, Non-Bailable Warrant came to be issued on 21.11.2022.

3. The learned counsel appearing for the petitioners would submit that since the petitioners have no knowledge about the charge sheet filed by the respondent police, they could not to appear before the lower Court and hence NBW was issued against them on 21.11.2022. However, their non appearance is neither wilful nor wanton.

4. The learned Additional Public Prosecutor would submit that since the



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petitioners did not appear before the trial Court, the absconding charge sheet has been filed. Thereafter, non bailable warrant was issued against them on 21.11.2022.

5. In view of the above position, this Court is of the opinion that the relief available to the petitioners are 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 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 learned Judicial Magistrate, Vadipatti, Madurai 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, Vadipatti, Madurai 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/-
30/01/2024

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/02/2024
Sub-Assistant Registrar
(C.S. 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 JUDICIAL MAGISTRATE,
VADIPATTI, MADURAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI .
- 3 THE INSPCTOR OF POLICE
SAMAYANALLUR POLICE STATION, MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.P.KALAIYARASI BHARATHI, Advocate (SR-1210[I] dated 31/01/2024)

ORDER

IN

CRL OP(MD) No.1160 of 2024

Date :30/01/2024

SS/GS/SAR- /05/02/2024/4P/6C

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