



CRL OP(MD) No.1187 of 2024

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

Monday, the Twenty Ninth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.1187 of 2024

PARVATHI

... PETITIONER/SOLE ACCUSED

Vs

THE INSPECTOR OF POLICE
PAPPANADU POLICE STATION,
THANJAVUR DISTRICT,
CRIME NO.107/2014

... RESPONDENT/COMPLAINANT

For Petitioner : MR.M.PITCHAI MUTHU, Advocate

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

PETITION FOR ANTICIPATORY BAIL UNDER SEC 438 OF CR.P.C.

PRAYER : TO ENLARGE THE PETITIONER ON BAIL IN THE EVENT OF HIS ARREST BY THE RESPONDENT POLICE IN PRC NO.11/2018 ON THE FILE OF THE DISTRICT MUNSIF-CUM-JUDICIAL MAGISTRATE, ORATHANADU, THANJAVUR DISTRICT.

ORDER : The Court Made the following order :-

The petitioner / Sole Accused, who apprehends arrest at the hands of the respondent Police for the alleged offence punishable under Sections 147, 341, 294(b), 323, 324, 307, and 201 of I.P.C., r/w Section 25(1)(A) of Arms Act, 1959, in



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P.R.C.No.11 of 2018, on the file of the District Munsif cum Judicial Magistrate, Orathanadu, Thanjavur District, seeks anticipatory bail.

2. The petitioner was absent during the trial in P.R.C.No.11 of 2018, on the file of the District Munsif cum Judicial Magistrate, Orathanadu, Thanjavur District. Therefore, Non-Bailable Warrant came to be issued on 03.12.2018.

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 her on 03.12.2018. However, her 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 her on 03.12.2018.

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 her. 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 District Munsif cum



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Judicial Magistrate, Orathanadu, 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 District Munsif cum Judicial Magistrate, Orathanadu, 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/-

29/01/2024

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/01/2024

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

dss

TO

1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
ORATHANADU,
THANJAVUR DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE INSPECTOR OF POLICE,
PAPPANADU POLICE STATION,
THANJAVUR DISTRICT.

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



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ORDER

IN

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Date :29/01/2024

RS/JGB/SAR-(31.01.2024) 4P 5C

Madurai Bench of Madras High Court is issuing
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