



CRL OP(MD) No.1224 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.1224 of 2024

ARULPANDI

... PETITIONER / ACCUSED No.4

Vs

THE INSPECTOR OF POLICE
NATHAM POLICE STATION,
DINDIGUL DISTRICT.
CRIME NO.397/2011.

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.B.JAMEELARASU Advocate

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

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

PRAYER:

To enlarge the petitioner on anticipatory bail in the event of his arrest in Crime No.397/2011 on the file of the respondent police pursuant to the non bailable warrant issued in connection with PRC No.4/2016 on the file of the Learned District Munsif cum Judicial Magistrate Court, Natham, Dindigul District.

ORDER : The Court Made the following order :-

The petitioner / Accused No.4, who apprehends arrest at the hands of the respondent Police for the alleged offence punishable under Sections 147, 148,



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452, 324, 326, 436, 506(ii) and 307 r/w 149 of I.P.C. and Section 3(1) of TNPPDL Act, in P.R.C.No.4 of 2016, on the file of the District Munsif cum Judicial Magistrate Court, Natham, Dindigul District, in Crime No.397 of 2011, on the file of the respondent police, seeks anticipatory bail.

2. The petitioner was absent during the trial in P.R.C.No.4 of 2016, on the file of the learned District Munsif cum Judicial Magistrate Court, Natham, Dindigul District. Therefore, Non-Bailable Warrant came to be issued on 12.02.2016.

3. The learned counsel appearing for the petitioner would submit that in the above said criminal case, similarly placed accused were entered in acquittal and hence, the petitioner has filed a petition before this Court in CrI.O.P.(MD)No.18129 of 2023 seeking to quash P.R.C.No.4 of 2016 and the same is pending. Thereby, he could not appear before the lower Court and hence NBW was issued against him on 12.02.2016. However, his non appearance is neither wilful nor wanton.

4. The learned Additional Public Prosecutor 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 12.02.2016.

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



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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 District Munsif cum Judicial Magistrate Court, Natham, Dindigul 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 Court, Natham, Dindigul 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/-
30/01/2024

/ TRUE COPY /

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

SJI

TO

1 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE,
NATHAM, DINDIGUL DISTRICT.



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2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.

3 THE INSPECTOR OF POLICE
NATHAM POLICE STATION,
DINDIGUL DISTRICT.

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

+1 CC to M/s.B.JAMEEL ARASU, Advocate (SR-1203[I] dated 31/01/2024)

ORDER

IN

CRL OP(MD) No.1224 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