



CRL OP(MD) No.1338 of 2024

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

Wednesday, the Thirty First day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.1338 of 2024

NAGARAJAN

... Petitioner / Accused No.8

Vs

THE INSPECTOR OF POLICE
SAMAYANALLUR POLICE STATION,
MADURAI DISTRICT.
(CRIME NO.298/2018).

... Respondent / Complainant

For Petitioner : M/s.P.Saravanakumar, Advocate

For Respondent : Mr.S.Manikandan,
Government Advocate (Crl. Side)

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

PRAYER : TO ENLARGE THE PETITIONER HEREIN ON BAIL IN THE EVENT OF HIS ARREST IN PURSUANT TO THE NBW DT.21/11/2022 IN CC NO.129/2021, PENDING ON THE FILE OF THE LEARNED JUDICIAL MAGISTRATE, VADIPATTI, MADURAI DISTRICT.

ORDER : The Court Made the following order :-

The petitioner / Accused No.8, who apprehends arrest at the hands of the respondent Police for the alleged offence punishable under Sections 147, 294(b), 298



CRL OP(MD) No.1338 of 2024

and 506(ii) IPC., in C.C.No.129 of 2021, on the file of the learned Judicial Magistrate, Vadipatti, Madurai District, seeks anticipatory bail.

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

3. The learned counsel appearing for the petitioner would submit that since the petitioner used to go to other places for his livelihood, he could not appear before the lower Court and hence NBW was issued against him on 21.11.2022. However, his non appearance is neither wilful nor wanton.

4. The learned Government Advocate (Cr.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 21.11.2022.

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 learned Judicial



CRL OP(MD) No.1338 of 2024

Magistrate, Vadipatti, Madurai 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 Judicial Magistrate, Vadipatti, Madurai 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/-
31/01/2024

/ TRUE COPY /

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

DSS

To

1.The Judicial Magistrate,
Vadipatti, Madurai District.

2.Do through the Chief Judicial Magistrate,
Madurai District.

3.The Inspector of Police,
Samayanallur Police Station,
Madurai District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



CRL OP(MD) No.1338 of 2024

+1 CC to M/s.P.KALAIYARASI BHARATHI, Advocate (SR-1209[I] dated
31/01/2024)

ORDER
IN
CRL OP(MD) No.1338 of 2024
Date :31/01/2024

ED/ GS /SAR- (05/02/2024) 4P / 6C

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