



CRL OP(MD) No.1316 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.1316 of 2024

CITHARANJAN

... PETITIONER/ ACCUSED NO.1

Vs

THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
DINDIGUL DISTRICT.
CRIME NO.10 OF 1997.

... RESPONDENT/COMPLAINANT

For Petitioner : MR.D.SRINIVASARAGAVAN Advocate

For Respondent : MR.P.KOTTAICHAMY, Govt. Advocate (Crl. Side)

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

Prayer:

To enlarge the petitioner/Accused No.1 on bail in the event of his arrest in pursuant to the NBW dt.18.08.2015 in C.C.No.59 of 2015, pending on the file of the Learned Chief Judicial Magistrate, Dindigul.



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ORDER : The Court Made the following order :-

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The petitioner, who apprehends arrest at the hands of the respondent Police for the alleged offence punishable under Sections 406, 408, 420 and 201 of IPC, in C.C.No.59 of 2015, on the file of the learned Chief Judicial Magistrate, Dindigul, seeks anticipatory bail.

2. The petitioner was absent during the trial in C.C.No.59 of 2015, on the file of the learned Chief Judicial Magistrate, Dindigul. Therefore, Non-Bailable Warrant came to be issued on 18.08.2015.

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 18.08.2015. However, his non appearance is neither wilful nor wanton.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police 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 18.08.2015.



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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 Chief Judicial Magistrate, Dindigul, 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 Chief Judicial Magistrate, Dindigul, 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 (CS- I/ II / III/ IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TTA

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TO

1. THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL,

2 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, DINDIGUL DISTRICT.

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

+1 CC to M/s.D.SRINIVASA RAGAVAN, Advocate (SR-1156[I] dated 30/01/2024)
ORDER

IN

CRL OP(MD) No.1316 of 2024

Date :30/01/2024

RK/VR (06/02/2024) 4P / 5C

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