



CRL OP(MD) No.1353 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.1353 of 2024

RAJAN@JERMAN RAJA

... Petitioner / Accused No.16

Vs

THE INSPECTOR OF POLICE
BATLAGUNDU POLICE STATION,
DINDIGUL DISTRICT.
(CRIME NO.92/2004)

... Respondent / Complainant

For Petitioner : M/s.B.Arun, Advocate

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

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

PRAYER :

FOR ANTICIPATORY BAIL IN CR.NO.92/2004 ON THE FILE OF THE
RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner / Accused No.16, who apprehends arrest at the hands of the
respondent Police for the alleged offence punishable under Sections 147, 148, 149,



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323, 326, 337 and 307 of I.P.C., in P.R.C.No.9 of 2004, on the file of the Judicial Magistrate Court, Nilakottai, seeks anticipatory bail.

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2. The petitioner was absent during the trial in P.R.C.No.9 of 2004, on the file of the Judicial Magistrate Court, Nilakottai. Therefore, Non-Bailable Warrant came to be issued on 31.11.2023.

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 31.11.2023. 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 31.11.2023.

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 Judicial Magistrate



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Court, Nilakottai, and file a petition under Section 70(2) of Cr.P.C. to recall the non-bailable warrant. On filing of such petition, the Judicial Magistrate Court, Nilakottai, 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

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/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,
Nilakottai.

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

3.The Inspector of Police,
Batlagundu Police Station,
Dindigul District.

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

+1 CC to M/s.B.ARUN, Advocate (SR-1288[I] dated 01/02/2024)



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ORDER

IN

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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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