



CRL OP(MD) No.1836 of 2024

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

Wednesday, the Seventh day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.1836 of 2024

PARTHIBAN

... PETITIONER/ACCUSED NO.1

Vs

THE INSPECTOR OF POLICE  
NILAKKOTTAI POLICE STATION,  
DINDIGUL DISTRICT,  
CRIME NO.71/2012

... RESPONDENT/COMPLAINANT

For Petitioner : MR.D.RAMESHKUMAR, Advocate

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

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

PRAYER : FOR ANTICIPATORY BAIL IN CRIME NO.71/2012 ON THE FILE OF  
THE RESPONDENT POLICE

ORDER : The Court Made the following order :-

The petitioner / Accused No.1, who apprehends arrest at the hands of the  
respondent Police for the alleged offence punishable under Sections 406, 408, 420 IPC  
in Crime No.71 of 2012 in C.C.No.423 of 2012, pending on the file of the learned  
Judicial Magistrate, Nilakkottai, seeks anticipatory bail.



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2. The petitioner was absent during the trial in C.C.No.423 of 2012, on the file of the learned Judicial Magistrate, Nilakkottai. Therefore, Non-Bailable Warrant came to be issued on 01.02.2021.

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 01.02.2021. However, his 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 concerned trial Court, the absconding charge sheet has been filed. Thereafter, non bailable warrant was issued against him on 01.02.2021.

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 Magistrate, Nilakkottai, Dindigul District, and file a petition under Section 70(2) of



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Cr.P.C. to recall the non bailable warrant. On filing of such petition, the learned Judicial Magistrate, Nilakkottai, 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/-  
07/02/2024

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

INDU

TO

1 THE JUDICIAL MAGISTRATE, NILAKKOTTAI, DINDIGUL DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL DISTRICT.

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

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

ORDER  
IN

CRL OP(MD) No.1836 of 2024

Date :07/02/2024

RS/JGB/SAR-(12.02.2024) 3P 5C  
Madurai Bench of Madras High Court is issuing  
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