



CRL OP(MD) No.2120 of 2024

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

Monday, the Twelfth day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.2120 of 2024

KALISWARAN @ KALI @ KALIDASS, ... PETITIONER / ACCUSED 5

Vs

THE INSPECTOR OF POLICE
SS COLOY POLICE STATION,
MADURAI DISTRICT.
CRIME NO.329 OF 2023.

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.K.SUYAMBULINGABHARATHI, Advocate

For Respondent : Government Advocate (CrI.Side)

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

PRAYER:- TO ENLARGE THE PETITIONER/ACCUSED NO.5 ON BAIL IN THE EVENT OF HIS ARREST IN THE CONNECTION WITH A CASE IN CC.NO.1016 OF 2023 ON THE FILE OF THE LEARNED PRINCIPAL SPECIAL COURT FOR TRIAL OF NDPS CASES, MADURAI IN CR.NO.329 OF 2023 ON THE FILE OF THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner / Accused No.5, who apprehends arrest at the hands of the respondent Police for the alleged offence punishable under Sections 8(c), 20(b)(ii)(C),



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29(1) and 25 of Narcotic Drugs and Psychotropic Substances Act, 1985 in C.C.No.1016 of 2023 on the file of the learned Principal Special Court for Trial of NDPS Cases, Madurai in Crime No.329 of 2023, seeks anticipatory bail.

2. The petitioner was absent during the trial in C.C.No.1016 of 2023 on the file of the Principal Special Court for Trial of NDPS Cases, Madurai. Therefore, Non-Bailable Warrant came to be issued on 08.11.2023.

3. The learned counsel appearing for the petitioner would submit that the petitioner did not appear before the lower Court and hence NBW was issued against him on 08.11.2023. However, his non appearance is neither wilful nor wanton.

4. The learned Government Advocate (Criminal 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 08.11.2023.

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



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petitioner, the petitioner is directed to surrender before the Principal Special Court for Trial of NDPS Cases, Madurai 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 Principal Special Judge for Trial of NDPS Cases, Madurai, 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/-

12/02/2024

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/02/2024

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

TSG
TO

1 THE PRINCIPAL SPECIAL JUDGE FOR TRIAL OF
NDPS CASES, MADURAI.

2 THE INSPECTOR OF POLICE
SS COLOY POLICE STATION,
MADURAI DISTRICT.

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

ORDER IN
CRL OP(MD) No.2120 of 2024
Date :12/02/2024

SA/GS/SAR. /16.02.2024/3P/4C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.