



CRL OP(MD) No.2016 of 2024

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

Friday, the Ninth day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.2016 of 2024

MICHEAL RAJ

... PETITIONER / 18th ACCUSED/18th ACCUSED

Vs

THE INSPECTOR OF POLICE
VELLICHANTHAI POLICE STATION,
KANNIYAKUMARI DISTRICT,
CRIME NO.179/2016

... RESPONDENT / COMPLAINANT/COMPLAINANT

For Petitioner : Mr.K.SIVABALAN, Advocate for
Mr.G.ARAVINTHAN Advocate

For Respondent : Mr.S.MANIKANDAN, Govt. Advocate (Crl. Side)

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

PRAYER:

To enlarge the petitioner on bail in the event of his arrest in connection with the case in PRC No.13/2021 in Crime No.179/2016 on the file of the learned Judicial Magistrate, Eraniel, Kanyakumari District.

ORDER : The Court Made the following order :-

The petitioner / Accused No.18, who apprehends arrest at the hands of the respondent Police for the alleged offence punishable under Sections 147, 148,



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294(b), 323, 324, 326, 307, 506 (ii) of I.P.C r/w Section 4 of TNPHW Act, 2002, in P.R.C.No.13 of 2021, on the file of the Judicial Magistrate Court, Eraniel, Kanyakumari District, seeks anticipatory bail.

2. The petitioner was absent during the trial in P.R.C.No.13 of 2021, on the file of the Judicial Magistrate Court, Eraniel, Kanyakumari District. Therefore, Non-Bailable Warrant came to be issued on 18.12.2019.

3. The learned counsel appearing for the petitioner would submit that due to avocation, he went to abroad. Hence, he could not appear before the lower Court and hence NBW was issued against him on 18.12.2019. 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 trial Court, the absconding charge sheet has been filed. Thereafter, non bailable warrant was issued against him on 18.12.2019.

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.



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6. Considering the fact that non bailable warrant is pending against the petitioner, the petitioner is directed to surrender before the Judicial Magistrate Court, Eraniel, Kanyakumari 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 Judicial Magistrate Court, Eraniel, Kanyakumari 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/-
09/02/2024

/ 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
ERANIEL, KANYAKUMARI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
- 3 THE INSPECTOR OF POLICE
VELLICHANTHAI POLICE STATION,
KANYAKUMARI DISTRICT



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

+1 CC to M/s.G.ARAVINTHAN, Advocate (SR-1692[I] dated 12/02/2024)

ORDER
IN
CRL OP(MD) No.2016 of 2024
Date :09/02/2024

SS/GS/SAR- /20/02/2024/4P/6C

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