



CRL OP(MD) No.2205 of 2024

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

Tuesday, the Thirteenth day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.2205 of 2024

AHAMED KASALI

... PETITIONER/SOLE ACCUSED  
(A4 IN MOTHER CASE)

Vs

THE INSPECTOR OF POLICE  
KEELAKARAI POLICE STATION,  
RAMANATHAPURAM DISTRICT  
CRIME NO.08/1998

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.M.S.JEYAKARTHIK, Advocate

For Respondent : MR.S.MANIKANDAN, Government Advocate (Crl.Side)

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

PRAYER : FOR ANTICIPATORY BAIL IN CRIME NO.08 OF 1998 ON THE FILE OF  
THE RESPONDENT POLICE

ORDER : The Court Made the following order :-

The petitioner / Sole Accused, who apprehends arrest at the hands of the  
respondent Police for the alleged offence punishable under Sections 341, 307, 109,  
120b IPC r/w. 34 IPC in S.C.No.54 of 2004, on the file of the learned Chief Judicial  
Magistrate, Ramanathapuram, seeks anticipatory bail.



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2. The petitioner was absent during the trial in S.C.No.54 of 2004, on the file of the learned Chief Judicial Magistrate, Ramanathapuram. Therefore, Non-Bailable Warrant came to be issued on him.

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

4. The learned Government Advocate (Criminal Side) appearing 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.

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, Ramanathapuram, 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



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Magistrate, Ramanathapuram, 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/-  
13/02/2024

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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 CHIEF JUDICIAL MAGISTRATE, RAMANATHAPURAM.

2 THE INSPECTOR OF POLICE, KEELAKARAI POLICE STATION,  
RAMANATHAPURAM DISTRICT.

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

+1 CC to M/s.M.S.JEYAKARTHIK, Advocate ( SR-1801[I] dated 13/02/2024 )

ORDER

IN

CRL OP(MD) No.2205 of 2024

Date :13/02/2024

RS/VR/SAR-(16.02.2024) 3P 5C

Madurai Bench of Madras High Court is issuing  
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