



CRL OP(MD) No.2393 of 2024

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

Thursday, the Fifteenth day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.2393 of 2024

MUTHUBABU @ BABU

... PETITIONER / ACCUSED NO.12

Vs

INSPECTOR OF POLICE
MANUR POLICE STATION,
TIRUNELVELI DISTRICT.
(CRIME NO.86 OF 2021)

... RESPONDENT/ COMPLAINANT

For Petitioner : MR.C.VENKATESH, Advocate

For Respondent : MR.B.NAMBISELVAN, Govt. Advocate (Crl. Side)

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

PRAYER:

FOR ANTICIPATORY BAIL IN CRIME NO.86 OF 2021 ON THE FILE OF THE
RESPONDENT POLICE

ORDER : The Court Made the following order :-

The petitioner / Accused No.12, who apprehends arrest at the hands of the



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respondent Police for the alleged offence punishable under Sections 34, 120(B), 147, 148 and 302 of I.P.C., in P.R.C.No.3 of 2022, on the file of the learned Judicial Magistrate No.V, Tirunelveli, seeks anticipatory bail.

2. The petitioner was absent during the trial in P.R.C.No.3 of 2022, on the file of the learned Judicial Magistrate No.V, Tirunelveli. Therefore, Non-Bailable Warrant came to be issued on 22.01.2024.

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 22.01.2024. However, his non appearance is neither wilful nor wanton.

4. The learned Additional Public Prosecutor 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 22.01.2024.

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



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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 No.V, Tirunelveli 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 Judicial Magistrate No.V, Tirunelveli, 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/-
15/02/2024

/ 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 NO.V
TIRUNELVELI DISTRICT.



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- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE
MANUR POLICE STATION,
TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.2393 of 2024
Date :15/02/2024

PKP/GS/SAR /20.02.2024/ 4P/ 5C

Madurai Bench of Madras High Court is issuing certified
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