



CRL OP(MD) No.2658 of 2024

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

Tuesday, the Twentieth day of February Two Thousand and Twenty Four
PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI
CRL OP(MD) No.2658 of 2024

T.DHINESH KUMAR

... PETITIONER/ ACCUSED NO.14

Vs

THE INSPECTOR OF POLICE
KADALADI POLICE STATION,
RAMANATHAPURAM DISTRICT.
CRIME NO.106/2019

... RESPONDENT/COMPLAINANT

For Petitioner : MR.K.DINESH Advocate

For Respondent : MR.B.NAMBISELVAN,
Additional Public Prosecutor

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

Prayer in CRL OP(MD). 2658/ 2024 :

To enlarge the petitioner/accused no.14 on Anticipatory Bail in the event of his arrest or surrender in PRC No.16/2022 on the file of the learned District Munsif cum Judicial Magistrate, Kadaladi in Crime No.106/2019 dated 19.09.2019.

ORDER : The Court Made the following order :-

The petitioner / Accused No.14, who apprehends arrest at the hands of the respondent Police for the alleged offence punishable under Sections 147, 148, 294(b), 307, 324, 323 and 506 (2) IPC r/w 109 IPC in P.R.C.No.16 of 2022, on the file of the learned District Munsif cum Judicial Magistrate, Kadaladi in Crime No.106 of 2019,



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dated 19.09.2019, seeks anticipatory bail.

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2. The petitioner was absent during the trial in P.R.C.No.16 of 2022, on the file of the learned District Munsif cum Judicial Magistrate, Kadaladi. Therefore, Non-Bailable Warrant came to be issued on him.

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

4. The learned Government Advocate (Criminal Side) appearing for the respondent Police would submit that the absconding charge sheet has been filed before the concerned trial Court.

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 and absconding charge sheet has also been filed against the petitioner, the petitioner is directed to surrender before the learned District Munsif cum Judicial Magistrate, Kadaladi, 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 District Munsif cum Judicial Magistrate, Kadaladi 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/-
20/02/2024

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

TSG

TO

1.THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE, KADALADI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM.

3.THE INSPECTOR OF POLICE
KADALADI POLICE STATION, RAMANATHAPURAM DISTRICT.



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

+1 CC to M/s.K.DINESH, Advocate (SR-2150[I] dated 21/02/2024)

ORDER
IN

CRL OP(MD) No.2658 of 2024

Date :20/02/2024

RK/GS (22/02/2024) 4P / 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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