



CRL OP(MD) No.2993 of 2024

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

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

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.2993 of 2024

1 SUNDAR
2 KRISHNA VENI
3 AYYAMMAL
4 SURESH
5 JEYA

... PETITIONER/ ACCUSED NO.1,2,4,5,7

Vs

THE INSPECTOR OF POLICE
AUSTINPATTI POLICE STATION,
MADURAI DISTRICT.
CR.NO.318/2018

... RESPONDENT/COMPLAINANT

For Petitioners : MR.S.BALAJI, 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.318/2018 ON THE FILE OF
THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioners/ Accused, who apprehend arrest at the hands of the respondent

Police for the alleged offence punishable under Sections 147, 294(b), 506(i) of I.P.C.,



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and Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act, 2002 in C.C.No.639 of 2023 before the learned Judicial Magistrate, Thirumangalam, seeks anticipatory bail.

2. The petitioner was absent during the trial in C.C.No.639 of 2023 before the learned Judicial Magistrate, Thirumangalam. Therefore, Non-Bailable Warrant came to be issued on 26.09.2023.

3. The learned counsel appearing for the petitioner would submit that since the petitioner did not appear before the lower Court and hence NBW was issued against him on 26.09.2023. 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 learned Judicial Magistrate, Thirumangalam, the absconding charge sheet has been filed. Thereafter, non bailable warrant was issued against him on 26.09.2023.

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 Judicial Magistrate, Thirumangalam, and to file a petition under Section 70(2) of Cr.P.C. to recall the Non Bailable Warrant of arrest issued against him on 26.09.2023. 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 learned Judicial Magistrate, Thirumangalam, 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, Thirumangalam, 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/-

27/02/2024

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/03/2024

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

INDU

TO

1 THE JUDICIAL MAGISTRATE, THIRUMANGALAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI.

3 THE INSPECTOR OF POLICE, AUSTINPATTI POLICE STATION, MADURAI.

4 THE ADDITIONAL PUBLIC PROSECUTOR,

MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN

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Date :27/02/2024

RS/JGB/SAR-(14.03.2024) 3P 5C

Madurai Bench of Madras High Court is issuing
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