



CRL OP(MD) No.3169 of 2024

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

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

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.3169 of 2024

RAMARAJ

... PETITIONER/ ACCUSED RANK NO.6

Vs

THE INSPECTOR OF POLICE
KEELARAJAKULARAMAN POLICE STATION,
VIRUDHUNAGAR DISTRICT.
CRIME NO.86 OF 2014.

... RESPONDENT/COMPLAINANT

For Petitioner : MR.D.RAJABOOPATHY Advocate

For Respondent : MR.P.KOTTAICHAMY, Govt. Advocate (CrI. Side)

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

Prayer :

To enlarge the Petitioner/ Accused on bail in the event of arrest in pursuance to NBW dt.3.11.2023 issued by the Learned Judicial Magistrate Court,Rajapalayam, Virudhunagar District in CC.No.348 of 2014.

ORDER : The Court Made the following order :-

The petitioner / Accused No.6, who apprehends arrest at the hands of the respondent Police for the alleged offence punishable under Sections 406, 420, 468 and



CRL OP(MD) No.3169 of 2024

471* IPC in C.C.No.348 of 2014, on the file of the learned Judicial Magistrate, Rajapalayam, Virudhunagar District, seeks anticipatory bail.

2. The petitioner was absent during the trial in C.C.No.348 of 2014, on the file of the learned Judicial Magistrate, Rajapalayam, Virudhunagar District. Therefore, Non-Bailable Warrant came to be issued against the petitioner.

3. The learned counsel appearing for the petitioner would submit that due to his livelihood, the petitioner went to other State for contractual employment works and hence, he could not appear before the lower Court. The trial Court, without considering the said fact, has issued NBW against the petitioner. However, his non appearance is neither wilful nor wanton.

4. The learned Government Advocate (Crl.side) appearing for the respondent Police would submit that since the petitioner did not appear before the trial Court, 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



CRL OP(MD) No.3169 of 2024

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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, Rajapalayam, Virudhunagar 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 learned Judicial Magistrate, Rajapalayam, Virudhunagar 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/-
29/02/2024

/ TRUE COPY /

/03/2024

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

SSB

TO

1.THE JUDICIAL MAGISTRATE, RAJAPALAYAM, VIRUDHUNAGAR DISTRICT

<https://www.mhc.tn.gov.in/judis>



CRL OP(MD) No.3169 of 2024

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT @ SRIVILLIPUTHUR.

3. THE INSPECTOR OF POLICE
KEELARAJAKULARAMAN POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

ORDER

IN

CRL OP(MD) No.3169 of 2024

Date :29/02/2024

RK/VR (14/03/2024) 4P / 5C

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