



CRL OP(MD) No.3344 of 2024

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

Monday, the Fourth day of March Two Thousand and Twenty Four
PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI
CRL OP(MD) No.3344 of 2024

ARIVAZHAGAN

... PETITIONER/ACCUSED NO.7

Vs

THE INSPECTOR OF POLICE
SENJE POLICE STATION,
VILLUPURAM DISTRICT.
CRIME NO. 733 OF 2018

... RESPONDENT/COMPLAINANT

For Petitioner : MR.R.ALAGUMANI, Advocate

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

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

PRAYER :

TO ENLARGE THE PETITIONER ON BAIL IN THE EVENT OF HIS ARREST OR SURRENDER IN THE CASE IN C.C NO. 27 OF 2021 ON THE FILE OF THE LEARNED ADDITIONAL CHIEF JUDICIAL MAGISTRATE, KUMBAKONAM IN CRIME NO. 733 OF 2018 ON THE FILE OF THE RESPONDENT POLICE

ORDER : The Court Made the following order :-

The petitioner / Accused No.7, who apprehends arrest at the hands of the respondent Police for the alleged offence punishable under Sections 457(2) and 380(2) of IPC in C.C.No.27 of 2021, on the file of the leaned Additional Chief Judicial Magistrate, Kumbakonam, seeks anticipatory bail.

2. The petitioner was absent during the trial in C.C.No.27 of 2021, on the file of

<https://www.mhc.trngov.in/judis>



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the learned Additional Chief Judicial Magistrate, Kumbakonam. Therefore, Non-Bailable Warrant came to be issued on 14.07.2023.

3. The learned counsel appearing for the petitioner would submit that since the petitioner was not able to appear before the lower Court and hence NBW was issued against him on 14.07.2023. 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 trial Court, the absconding charge sheet has been filed. Thereafter, non bailable warrant was issued against him on 14.07.2023.

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 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 Additional Chief Judicial Magistrate, Kumbakonam 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 Additional Chief Judicial Magistrate, Kumbakonam, is directed to consider the said



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petition on merits and pass orders on the same day.

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7. Accordingly, this Criminal Original Petition is disposed of.

sd/-

04/03/2024

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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 ADDITIONAL CHIEF JUDICIAL MAGISTRATE, KUMBAKONAM.

2 THE INSPECTOR OF POLICE, SENJE POLICE STATION,
VILLUPURAM DISTRICT.

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

+1. CC to MR.R.ALAGUMANI Advocate SR.No.9276[F] Dated 04/03/2024

ORDER

IN

CRL OP(MD) No.3344 of 2024

Date :04/03/2024

RS/VR/SAR-(07.03.2024) 3P 5C

Madurai Bench of Madras High Court is issuing
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