



CRL OP(MD) No.3416 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.3416 of 2024

S.RAMESH SREENIVASAN @ SEENI

... PETITIONER/SOLE ACCUSED

Vs

THE INSPECTOR OF POLICE
TIRUNELVELI TALUK POLICE STATION,
TIRUNELVELI DISTRICT.
CRIME NO.244/2018.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.C.SARAVANA KUMAR, 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 PETITIONERS/ACCUSED ON BAIL IN THE EVENT OF ARREST IN CC NO.207/2018, ON THE FILE OF LEARNED JUDICIAL MAGISTRATE NO.III TIRUNELVELI IN CRIME NO.244/2018 ON THE FILE OF THE RESPONDENT.

ORDER : The Court Made the following order :-

The petitioner / Accused, who apprehends arrest at the hands of the respondent Police for the alleged offence punishable under Sections 341, 387, 294(b),

506(ii) IPC in C.C.No.207 of 2018, on the file of the learned Judicial Magistrate No.III,

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



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Tirunelveli, seeks anticipatory bail.

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2. The petitioner was absent during the trial in C.C.No.207 of 2018, on the file of the learned Judicial Magistrate No.III, Tirunelveli. Therefore, Non-Bailable Warrant came to be issued on 11.10.2022.

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 issued against him on 11.10.2022. 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 11.10.2022.

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 Judicial Magistrate No.III, Tirunelveli and file a petition under Section 70(2) of Cr.P.C. to



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recall the non bailable warrant. On filing of such petition, the learned learned Judicial
Magistrate No.III, 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/-
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 JUDICIAL MAGISTRATE NO.III, TIRUNELVELI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE, TIRUNELVELI TALUK POLICE STATION,
TIRUNELVELI DISTRICT.

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

+1 CC to M/s.C.SARAVANAKUMAR, Advocate (SR-2758[I] dated 05/03/2024)

ORDER

IN

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Date :04/03/2024

RS/GS/SAR-(13.03.2024) 3P 6C

Madurai Bench of Madras High Court is issuing
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