



CRL OP(MD) No.3423 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.3423 of 2024

S.RAMESH SRENIVASAN @ SEENI ... PETITIONER/ ACCUSED NO.2

Vs

THE INSPECTOR OF POLICE
PALAYAMKOTTAI POLICE STATION,
TIRUNELVELI CITY,
TIRUNELVELI DISTRICT.
CRIME NO.638/2014.

... RESPONDENT /COMPLAINANT

For Petitioner : MR.C.SARAVANAKUMAR Advocate

For Respondent : MR.S.MANIKANDAN, 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 P.R.C No.8/2015, on the file of Learned Judicial Magistrate No.I, Tirunelveli in Crime No.638/2014 on the file of the Respondent.



CRL OP(MD) No.3423 of 2024

ORDER : The Court Made the following order :-

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The petitioner/A2, who apprehends arrest at the hands of the respondent Police for the alleged offence punishable under Sections 147, 148, 294(b), 387, 307, 506(ii) IPC in P.R.C.No.8 of 2015, on the file of the Judicial Magistrate Court No.I, Tirunelveli, seeks anticipatory bail.

2.The petitioner was absent during the trial in P.R.C.No.8 of 2015, on the file of the Judicial Magistrate Court No.I, Tirunelveli. Therefore, Non-Bailable Warrant came to be issued on 16.07.2018.

3.The learned counsel appearing for the petitioner would submit that since the petitioner went to Kerala for coolie work, he could not appear before the lower Court and hence NBW was issued against him on 16.07.2018. 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 16.07.2018.



CRL OP(MD) No.3423 of 2024

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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 Judicial Magistrate Court No.I, Tirunelveli 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 Court No.I, Tirunelveli is directed to consider the said petition on merits and pass orders on the same day. Accordingly, this Criminal Original Petition is disposed of.

sd/-
04/03/2024

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/03/2024
Sub-Assistant Registrar (CS-I / II/ III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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



CRL OP(MD) No.3423 of 2024

TO

1. THE JUDICIAL MAGISTRATE NO.I, TIRUNELVELI

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI

3.THE INSPECTOR OF POLICE
PALAYAMKOTTAI POLICE STATION,
TIRUNELVELI CITY, TIRUNELVELI DISTRICT.

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

+1 CC to M/s.C.SARAVANAKUMAR, Advocate (SR-2757[I] dated 05/03/2024)

ORDER IN

CRL OP(MD) No.3423 of 2024

Date :04/03/2024

RK/VR (07/03/2024) 4P / 6C

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