



CRL OP(MD) No.3479 of 2024

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

Tuesday, the Fifth day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.3479 of 2024

KARTHIKEYAN

... PETITIONER / ACCUSED NO.1

Vs

**THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
THENI,
THENI DISTRICT.
CRIME NO.51 OF 2011.**

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.SUNDARAPANDIAN.S, 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 NO.1 ON BAIL IN THE EVENT OF THEIR ARREST IN THE CONNECTION WITH A CASE IN CC.NO.25 OF 2014 ON THE FILE OF THE LEARNED JUDICIAL MAGISTRATE, ADDITIONAL MAHILA COURT, THENI IN CR.NO.51 OF 2011.

ORDER : The Court Made the following order :-



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The petitioner / Accused No.1, who apprehends arrest at the hands of the respondent Police for the alleged offence punishable under Sections 498A, 406 and 506(i) of IPC, Section 4 of Dowry Prohibition Act and Section 4 of Tamil Nadu Prohibition of Women Harassment Act, in C.C.No.25 of 2014, on the file of the Judicial Magistrate Additional Mahila Court, Theni, seeks anticipatory bail.

2.The petitioner was absent during the trial in C.C.No.25 of 2014, on the file of the Judicial Magistrate Additional Mahila Court, Theni. Therefore, Non-Bailable Warrant came to be issued on 26.07.2021.

3.The learned counsel appearing for the petitioner would submit that due to his inability, he could not appear before the lower Court and hence NBW was issued against him on 26.07.2021. 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 26.07.2021.

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



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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 Additional Mahila Court, Theni, 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 Additional Mahila Court, Theni, 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/-
05/03/2024

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

SJI
TO

1 THE JUDICIAL MAGISTRATE,
ADDITIONAL MAHILA COURT, THENI

2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.



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- 3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
THENI,
THENI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.3479 of 2024
Date :05/03/2024

PKP/GS/SAR /14.03.2024/ 4P/ 5C

Madurai Bench of Madras High Court is issuing certified
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