



CRL OP(MD) No.3618 of 2024

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

Wednesday, the Sixth day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.3618 of 2024

SAMATHANA PRABHU

... PETITIONER/ACCUSED NO.1

Vs

THE INSPECTOR OF POLICE
NIBCID, DINDIGUL,
DINDIGUL DISTRICT.
CRIME NO.136/2015.

... RESPONDENT/COMPLAINANT

For Petitioner : MR.S.MUTHUCHHARAN, Advocate
for M/S.P.THANGA PRITHVIRAJAN, Advocate
For Respondent : MR.B.NAMBISELVAN, Additional Public Prosecutor

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

PRAYER :

TO DIRECTING THE PETITIONER TO BE RELEASED ON BAIL IN THE
EVENT OF HIS ARREST IN CONNECTION WITH C.C.NO.162 OF 2016 ON THE
FILE OF THE LEARNED ADDITIONAL PRINCIPAL JUDGE FOR EC AND NDPS
CASES, MADURAI FORTHWITH.

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 8(c), 20(b)(ii)(c),

25 of NDPS Act, in C.C.No.162 of 2016, on the file of the learned Additional Principal

<https://www.nmc.th.gov.in/judis>



CRL OP(MD) No.3618 of 2024

Judge for EC and NDPS Act Cases, Madurai, seeks anticipatory bail.

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2. The petitioner was absent during the trial in C.C.No.162 of 2016, on the file of the learned Additional Principal Judge for EC and NDPS Act Cases, Madurai. Therefore, Non-Bailable Warrant came to be issued.

3. The learned counsel appearing for the petitioner would submit that since the petitioner could not appear before the lower Court and hence NBW was issued issued against him. However, his non appearance is neither wilful nor wanton.

4. The learned Additional Public Prosecutor 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.

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 Principal Judge for EC and NDPS Act Cases, Madurai, and file a petition under Section 70(2) of Cr.P.C. to recall the non bailable warrant. On filing of such petition,



CRL OP(MD) No.3618 of 2024

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the learned Additional Principal Judge for EC and NDPS Act Cases, Madurai, 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/-
06/03/2024

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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 PRINCIPAL JUDGE FOR EC AND NDPS ACT CASES,
MADURAI.

2 THE INSPECTOR OF POLICE, NIBCID, DINDIGUL, DINDIGUL DISTRICT.

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

ORDER IN
CRL OP(MD) No.3618 of 2024
Date :06/03/2024

RS/JGB/SAR-(14.03.2024) 3P 4C
Madurai Bench of Madras High Court is issuing
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