



CRL OP(MD) No.3689 of 2024

WEB COPY

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

Thursday, the Seventh day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.3689 of 2024

MARTHU ALAIS MARTHUPANDIAN

... Petitioner / Accused No.6

Vs

THE INSPECTOR OF POLICE
CHERANMAHADEVI POLICE STATION,
TIRUNELVELI DISTRICT.
(CRIME NO.83/2014)

... Respondent / Complainant

For Petitioner : M/s.M.Murugesan, Advocate

For Respondent : Mr.S.Manikandan,
Government Advocate (CrI. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

PRAYER : TO ENLARGE THE PETITIONER ACCUSED NO.6 ON BAIL IN THE
EVENT OF HIS ARREST IN THE CONNECTION WITH A CASE IN
S.C.NO.715/2018 ON THE FILE OF THE LEARNED I ADDITIONAL DISTRICT
COURT TIRUNELVELI IN CRIME NO.83/2014 ON THE FILE OF THE
RESPONDENT POLICE

ORDER : The Court Made the following order :-

The petitioner / Accused, who apprehends arrest at the hands of the



CRL OP(MD) No.3689 of 2024

respondent Police for the alleged offence punishable under Sections 457, 380, 395, 397 of IPC and Section 3 of TNPPDL Act, in S.C.No.715 of 2018, on the file of the learned I Additional District Court, Tirunelveli, seeks anticipatory bail.

2. The petitioner was absent during the trial in S.C.No.715 of 2018, on the file of the learned I Additional District Court, Tirunelveli. Therefore, Non-Bailable Warrant came to be issued on 18.01.2024.

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 against him on 18.01.2024. 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 on 18.01.2024.

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



CRL OP(MD) No.3689 of 2024

petitioner, the petitioner is directed to surrender before the learned I Additional District Court, 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 I Additional District Court, 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/-
07/03/2024

/ TRUE COPY /

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

INDU

To

1.The I Additional District Judge,
Tirunelveli.

2.The Inspector of Police,
Cheranmahadevi Police Station,
Tirunelveli District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.M.MURUGEASAN, Advocate (SR-2865[I] dated 07/03/2024)



WEB COPY



CRL OP(MD) No.3689 of 2024

ORDER

IN

CRL OP(MD) No.3689 of 2024

Date :07/03/2024

ED/ GS /SAR- (14/03/2024) 4P / 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from
17/07/2023