



CRL OP(MD) No.3663 of 2024

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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.3663 of 2024

MARUTHU PANDI

... PETITIONER/ACCUSED NO.2

Vs

THE INSPECTOR OF POLICE
PATHAMADAI POLICE STATION,
TIRUNELVELI DISTRICT.
CRIME NO. 39/2022

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.M.MURUGESAN, 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 PETITIONER / ACCUSED NO.2 ON BAIL IN THE
EVENT OF HIS ARREST IN THE CONNECTION WITH A CASE IN PRC NO.
19/2023 ON THE FILE OF THE LEARNED DISTRICT MUNSIF CUM JUDICIAL
MAGISTRATE, CHERANMAHADEVI IN CRIME NO. 39/2022

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 147, 148, 341,
294(b), 307, 506(ii) of I.P.C., in P.R.C.No.19 of 2023, on the file of the learned District



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Munsif cum Judicial Magistrate, Cheranmahadevi, seeks anticipatory bail.

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2. The petitioner was absent during the trial in P.R.C.No.19 of 2023, on the file of the learned District Munsif cum Judicial Magistrate, Cheranmahadevi. Therefore, Non-Bailable Warrant came to be issued on 17.11.2023.

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 17.11.2023. 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 17.11.2023.

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 District Munsif cum Judicial Magistrate, Cheranmahadevi, and file a petition under Section 70(2) of



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Cr.P.C. to recall the non bailable warrant. On filing of such petition, the learned District Munsif cum Judicial Magistrate, Cheranmahadevi, 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

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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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE, CHERANMAHADEVI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.

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

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

+1 CC to M/s.M.MURUGEASAN, Advocate (SR-2864[I] dated 07/03/2024)

ORDER IN
CRL OP(MD) No.3663 of 2024
Date :07/03/2024

RS/GS/SAR-(14.03.2024) 3P 6C
Madurai Bench of Madras High Court is issuing
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