



CRL OP(MD) No.3679 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.3679 of 2024

SIVAKUMAR

... PETITIONER / ACCUSED

Vs

THE INSPECTOR OF POLICE
MEIGNANAPURAM POLICE STATION,
THOOTHUKUDI DISTRICT.
IN CRIME NO.167/2012

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.M.MURUGESAN, Advocate

For Respondent : MR.B.NAMBISELVAN, Additional Public Prosecutor

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

PRAYER:

To enlarge the petitioner/accused No.4 on Bail in the event of his arrest in the connection with a case in SC no.1/2022 on the file of the 2nd Addl District Judge, Thoothukudi in Crime No.167/2012 on the file of the 1st respondent police.

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 294(b), 302,



CRL OP(MD) No.3679 of 2024

506(ii) of I.P.C., in S.C.No.240 of 2015, on the file of the learned II Additional District Judge, Thoothukudi, seeks anticipatory bail.

WEB COPY

2. The petitioner was absent during the trial in S.C.No.240 of 2015, on the file of the learned II Additional District Judge, Thoothukudi. Therefore, Non-Bailable Warrant came to be issued on 16.02.2022.

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 16.02.2022. 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 16.02.2022.

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



CRL OP(MD) No.3679 of 2024

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 II Additional District Judge, Thoothukudi, 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 II Additional District Judge, Thoothukudi, 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 II ADDITIONAL DISTRICT JUDGE, THOOTHUKUDI.



CRL OP(MD) No.3679 of 2024

2 THE INSPECTOR OF POLICE
MEIGNANAPURAM POLICE STATION,
THOOTHUKUDI DISTRICT.

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

+1 CC to M/s.K.SUYAMBULINGABHARATHI, Advocate (SR-2863[I] dated
07/03/2024)

ORDER
IN
CRL OP(MD) No.3679 of 2024
Date :07/03/2024

SS/GS/SAR- /13/03/2024/4P/5C

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