



CRL OP(MD) No.3703 of 2024

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

Friday, the Eighth day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.3703 of 2024

MARUTHUPANDI @ MARUTH ... PETITIONER/ ACCUSED NO.6

Vs

THE INSPECTOR OF POLICE
VEERAVANALLUR POLICE STATION,
TIRUNELVELI DISTRICT.
CRIME NO. 727/2020

... RESPONDENT/COMPLAINANT

For Petitioner : M/S. MURUGESAN.M Advocate

For Respondent : MR.S.MANIKANDAN, Govt. Advocate (CrI. Side)

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

Prayer in CRL OP(MD). 3703/ 2024 :

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. 842/2023 on the file of the learned Principal District court, Tirunelveli in Crime No. 727/2020 on the file of the respondent police.

ORDER : The Court Made the following order :-

The petitioner / Accused No.6, who apprehends arrest at the hands of the



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respondent Police for the alleged offence punishable under Sections 147, 148, 294(b), 323, 324, 307 and 506(ii) of IPC in S.C.No.842 of 2023, on the file of the Principal District Court, Tirunelveli, in Crime No.727 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The petitioner was absent during the trial in S.C.No.842 of 2023, on the file of the Principal District Court, Tirunelveli. Therefore, Non-Bailable Warrant came to be issued on 10.01.2024.

3. The learned counsel appearing for the petitioner would submit that though the petitioner has duly informed his counsel to file a petition under Section 317 of Cr.P.C., for condoning his absence before the trial Court, his counsel has failed to file the same. Hence NBW was issued against him on 10.01.2024. 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 10.01.2024.



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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 Principal 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 Principal 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/-
08/03/2024

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

sjj



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TO
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- 1.THE PRINCIPAL DISTRICT JUDGE, TIRUNELVELI
- 2.THE INSPECTOR OF POLICE
VEERAVANALLUR POLICE STATION,
TIRUNELVELI DISTRICT
- 3.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.3703 of 2024
Date :08/03/2024

RK/VR(13/03/2024) 4P / 4C
Madurai Bench of Madras High Court is issuing certified copies in this format from
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