



CRL OP(MD) No.4063 of 2024

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

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

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.4063 of 2024

MARUTHU @ MARUTHUPANDI ... PETITIONER/ ACCUSED NO.2

Vs

THE INSPECTOR OF POLICE
NANGUNERI POLICE STATION,
TIRUNELVELI DISTRICT.
CRIME NO. 16/2018

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S. MURUGESAN.M Advocate

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

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

PRAYER: FOR ANTICIPATORY BAIL IN CRIME NO. 16 OF 2018 ON THE FILE
OF THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner / Accused No.2, who apprehends arrest at the hands of the
respondent Police for the alleged offence punishable under Sections 120(b), 302, 212,



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449 of IPC in P.R.C.No.145 of 2023, on the file of the Judicial Magistrate Court, Nanguneri, seeks anticipatory bail.

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2. The petitioner was absent during the trial in P.R.C.No.145 of 2023, on the file of the Judicial Magistrate Court, Nanguneri. Therefore, Non-Bailable Warrant came to be issued on 29.01.2024.

3. The learned counsel appearing for the petitioner would submit that the petitioner has duly informed his counsel to file a petition under Section 317 of Cr.P.C., for condoning his absence before the learned committal Court, but the said counsel has failed to file the said petition. Hence, NBW was issued against him on 29.01.2024. 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 29.01.2024.

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



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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 Judicial Magistrate Court, Nanguneri, 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 Judicial Magistrate Court, Nanguneri, 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/-
14/03/2024

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

indu

TO

1.THE JUDICIAL MAGISTRATE COURT, NANGUNERI,

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI.



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

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

+1 CC to M/s.M.MURUGESAN, Advocate (SR-3217[I] dated 15/03/2024)

ORDER
IN

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Date :14/03/2024

RK/VR (15/03/2024) 4P / 6C

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