



CRL OP(MD) No.4727 of 2024

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

Tuesday, the Twenty Sixth day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.4727 of 2024

K.N.VANCHINATHAN

... PETITIONER / ACCUSED

Vs

THE INSPECTOR OF POLICE
ROYAPPANPATTI POLICE STATION
UTHAMAPALAYAM
THENI DISTRICT.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.SREENIVASAN.M.R Advocate

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

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

PRAYER:- TO GRANT ANTICIPATORY BAIL OR ANY APPROPRIATE ORDER
AS AGAINST THE NBW ISSUED IN STC NO.1515/2023 ON THE FILE OF THE
JUDICIAL MAGISTRATE COURT, UTHAMAPALAYAM ON 06.02.2024.

ORDER : The Court Made the following order :-

The petitioner / Accused, who is facing trial in S.T.C.No.1515 of 2023 on the file

of the learned Judicial Magistrate, Uthamapalayam, for the offence punishable under
<https://www.mhc.tn.gov.in/judis>



CRL OP(MD) No.4727 of 2024

Section 31 of the Protection of Women from Domestic Violence Act, seeks anticipatory bail.

2. The petitioner was absent during the trial in S.T.C.No.1515 of 2023 on the file of the learned Judicial Magistrate, Uthamapalayam. Therefore, Non-Bailable Warrant came to be issued on 06.02.2024.

3. The learned counsel appearing for the petitioner would submit that since the petitioner could not appear before the lower Court, NBW was issued against him on 06.02.2024. However, his non appearance is neither wilful nor wanton.

4. The learned Government Advocate (Criminal Side) would submit that since the petitioner did not appear before the trial Court, non bailable warrant was issued against him on 06.02.2024.

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 petitioner, the petitioner is directed to surrender before the learned Judicial Magistrate, Uthamapalayam and file a petition under Section 70(2) of Cr.P.C. to recall



CRL OP(MD) No.4727 of 2024

the non bailable warrant. On filing of such petition, the learned Judicial Magistrate, Uthamapalayam 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/-
26/03/2024

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/04/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TSG
TO

1 THE JUDICIAL MAGISTRATE,
UTHAMAPALAYAM.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, THENI DISTRICT.

3 THE INSPECTOR OF POLICE
ROYAPPANPATTI POLICE STATION
UTHAMAPALAYAM

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

+1 CC to M/s.M.R.SREENIVASAN, Advocate (SR-3719[I] dated 26/03/2024)



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CRL OP(MD) No.4727 of 2024

ORDER
IN
CRL OP(MD) No.4727 of 2024
Date :26/03/2024

SA/VR/SAR. /04.04.2024/4P/6C

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