



CRL OP(MD) No.4743 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.4743 of 2024

PERIYASAMY

... Petitioner / Accused No.1

Vs

THE INSPECTOR OF POLICE
KARRUPUTHUR POLICE STATION,
TRICHY DISTRICT.
(CRIME NO. 246 OF 2018)

... Respondent / Complainant

For Petitioner : M/s.T.Lenin Kumar, Advocate

For Respondent : Mr.S.Manikandan, Government Advocate (Crl. Side)

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

PRAYER : TO ENLARGE THE PETITIONER ON BAIL IN THE EVENT OF HIS
ARREST OR SURRENDER IN C.C NO. 411 OF 2022 ON THE FILE OF THE
JUDICIAL MAGISTRATE, THOTTIYAM

ORDER : The Court Made the following order :-

The petitioner / Accused No.1, who is facing trial in C.C.No.411 of 2022 on the
file of the learned District Munsif cum Judicial Magistrate, Thotthiyam for the
offence under Sections 420 and 506(i) IPC seeks anticipatory bail.



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

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. 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.

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, Thottiyam 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 District Munsif cum Judicial Magistrate, Thottiyam, is directed to consider the said petition



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on merits and pass orders on the same day.

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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 District Munsif cum Judicial Magistrate,
Thottiyam.

2.Do through the Chief Judicial Magistrate,
Trichy District.

3.The Inspector of Police,
Kattuputhur Police Station,
Trichy District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.T.LENIN KUMAR, Advocate (SR-3840[I] dated 27/03/2024)

ORDER
IN
CRL OP(MD) No.4743 of 2024
Date :26/03/2024



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