



CRL OP(MD) No.4906 of 2024

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

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

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.4906 of 2024

N.NAGAPANDI

... PETITIONER/ 1st ACCUSED

Vs

THE INSPECTOR OF POLICE
VILAMPATTI POLICE STATION,
DINDIGUL DISTRICT.
(CRIME NO.46/2011).

... RESPONDENT/COMPLAINANT

For Petitioner : MR.K. RAMAR, Advocate

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

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

Prayer in CRL OP(MD). 4906/ 2024 :

To enlarge the petitioner on bail in the event of his arrest in connection with PRC No.16/2012 on the file of the Judicial Magistrate, Nilakottai, Dindigul District in Crime No.46/2011 on the file of the Respondent Police.

ORDER : The Court Made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent



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Police for the alleged offence punishable under Sections 147, 148, 341, 294, 323, 324, 326 and 307 IPC r/w Section 3(1) of the Tamil Nadu Public Property (Prevention of Damages & Loss) Act, 1992 in P.R.C.No.16 of 2012, on the file of the learned Judicial Magistrate, Nilakkottai, Dindigul District, seeks anticipatory bail.

2.The petitioner was absent during the trial in P.R.C.No.16 of 2012, on the file of the Judicial Magistrate, Nilakkottai, Dindigul District. Therefore, Non-Bailable Warrant came to be issued on 05.04.2023.

3.The learned counsel appearing for the petitioner would submit that since the petitioner is working in Kerala, he could not appear before the Court below and hence NBW was issued against him on 05.04.2023. 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, non bailable warrant was issued against him on 05.04.2023.

5.In view of the above position, this Court is of the opinion that the relief

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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 Judicial Magistrate, Nilakkottai, Dindigul District 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, Nilakkottai, Dindigul District is directed to consider the said petition on merits and pass orders on the same day. Accordingly, this Criminal Original Petition is disposed of.

sd/-
28/03/2024

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/04/2024

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

gns

TO

1.THE JUDICIAL MAGISTRATE, NILAKKOTTAI, DINDIGUL DISTRICT.



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2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL.

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3.THE INSPECTOR OF POLICE

VILAMPATTI POLICE STATION, DINDIGUL DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,

MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.K.RAMAR, Advocate (SR-4020[I] dated 01/04/2024)

ORDER IN

CRL OP(MD) No.4906 of 2024

Date :28/03/2024

RK/JGB (17/04/2024) 4P / 6C

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