



CRL OP(MD). No.8350 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/06/2024

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.8350 of 2024

Sakthivel

... Petitioner/ Accused No.3

Vs

The Inspector of Police,
Nanguneri Police Station,
Tirunelveli District,
Crime No.302/2021.

... Respondent/ Complainant

For Petitioner : M/s.Appaji.C.K.M,
Advocate.

For Respondent : Mr.M.Sakthikumar,
Government Advocate (Crl.Side)

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

PRAYER :-

To enlarge the petitioner on anticipatory bail in the event of his arrest in PRC No.09/2024 on the file of the learned Judicial Magistrate, Nanguneri in Crime No.302/2021 on the file of the respondent police.



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ORDER : The Court made the following order :-

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The petitioner, who is an accused in P.R.C.No.09 of 2024 on the file of the learned Judicial Magistrate, Nanguneri, has filed this application seeking anticipatory bail. The said case was registered for the offence under Sections 147, 148, 294(b), 307 and 506(ii) of IPC in Crime No.302 of 2021 on the file of the respondent police.

2.The petitioner was absent during the trial in P.R.C.No.09 of 2024, on the file of the learned Judicial Magistrate, Nanguneri. Therefore, Non-Bailable Warrant came to be issued on 04.04.2024.

3.The learned counsel appearing for the petitioner submits that due to his personal inconvenience, he could not appear before the lower Court and hence NBW was issued against him on 04.04.2024. His non appearance is neither wilful nor wanton.

4.The learned Government Advocate (Crl. side) submits that since the petitioner did not appear before the trial Court, absconding charge sheet has been filed. Thereafter, non bailable warrant was issued against him on 04.04.2024.



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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 arise at all.

6. Considering the fact that non bailable warrant is pending against the petitioner, the petitioner is directed to surrender before the Judicial Magistrate, 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, 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/-
07/06/2024

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/06/2024
Sub-Assistant Registrar (CS -I/ II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI



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TO
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1. The Judicial Magistrate, Nanguneri
2. Do-Through The Chief Judicial Magistrate,
Thirunelveli District.
3. The Inspector of Police,
Nanguneri Police Station,
Tirunelveli District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.8350 of 2024
Date :07/06/2024

RK/GS (14/06/2024) 4P / 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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