



CRL OP(MD). No.10007 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/07/2024

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

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Kalaivani

... Petitioner/ Accused No.4

Vs

The Inspector of Police,
All Women Police Station,
Madurai Town, Madurai.
Crime No.14/2018.

... Respondent/Complainant

For Petitioner : Ms.R.Yamuna, Advocate.
For Respondent : Mr.M.Vaikkam Karunanithi,
Government Advocate (Crl.Side)

PRAYER :- To enlarge the Petitioner on bail in the event of her arrest in connection with the case in CC No.601/2019 in Cr No.14/2018 on the file of the Learned Judicial Magistrate, Additional Mahila Court, Madurai.

ORDER : The Court made the following order :-

This Petition is filed to enlarge the Petitioner on bail in the event of her arrest in connection with the case in C.C. No.601/2019 in Cr No.14/2018 on the file of the Judicial Magistrate, Additional Mahila Court, Madurai.

2. The petitioner, who apprehends arrest for the alleged offences under Sections



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417, 294(b), 506(1) and 109 of IPC in connection with Non-Bailable Warrant issued in C.C No. 601 of 2019 on the file of the learned Judicial Magistrate, Additional Mahila Court, Madurai, seeks anticipatory bail.

3.The petitioner was absent during the trial in C.C No. 601 of 2019 on the file of the learned Judicial Magistrate, Additional Mahila Court, Madurai, Therefore, Non Bailable Warrant came to be issued on 15.09.2023.

4. The learned counsel appearing for the petitioner submitted that since A2 died due to heart attack, the petitioner and other accused shifted to Tiruppur for job to eking out her livelihood and therefore, the petitioner could not appear before the learned Judicial Magistrate, Additional Mahila Court, Madurai. In the meantime, Non Bailable Warrant was issued against her on 15.09.2023. He further submitted that the act of the petitioner is neither wilful nor wanton and prays for anticipatory bail to the petitioner.

5. The learned Government Advocate(Crl.side) appearing for the State would submit that the petition before this Court is not maintainable, unless she exhaust the remedy available under the Criminal Procedure Code.

6. In view of the above position, the relief available to the petitioner is to surrender before the learned Judicial Magistrate, Additional Mahila Court, Madurai, and file a petition under Section 70(2) of Cr.P.C., to recall the Non-Bailable Warrant of



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arrest issued against her. Therefore, the question of granting anticipatory bail does not at all arise.

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7.Considering the fact that the non-bailable warrant is pending against the petitioner, the petitioner is directed to surrender before the trial Court i.e., learned Judicial Magistrate, Additional Mahila Court, Madurai, 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, Additional Mahila Court, Madurai, is directed to consider the said petition on merits and pass orders on the same day.

8.Accordingly, this Criminal Original Petition is disposed of.

sd/-
08/07/2024

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/07/2024
Sub-Assistant Registrar (C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

LS
TO

1.THE JUDICIAL MAGISTRATE,
ADDITIONAL MAHILA COURT, MADURAI.

2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3.THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
MADURAI TOWN, MADURAI.

<https://www.hmc.tn.gov.in/judis>



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

+1 CC to M/s.R.YAMUNA, Advocate (SR-7599[I] dated 08/07/2024)

ORDER

IN

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Date :08/07/2024

RS/ JGB /SAR- (29/07/2024) 4P / 6C
Madurai Bench of Madras High Court is issuing
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