



CRL OP(MD). No.10492 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/07/2024

PRESENT

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

CRL OP(MD). No.10492 of 2024

S.Anbalagan

... Petitioner/ Accused No.1

Vs

The Inspector of Police,
B3 - Theppakulam Police Station,
Madurai District.
Crime No.294/2015

... Respondent/ Complainant

For Petitioner : M/s.G.Anto Prince, Advocate.
For Respondent : Mr.M.Vaikkam Karunanithi,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL UNDER SEC 482 of BNSS

PRAYER :-

To enlarge the petitioner accused No.1 on bail in the event of his arrest or surrender before the court in connection with the case in CC.No.33/2016 on the file of the learned Judicial Magistrate No.1, Madurai District in Cr.No.294/2015 on the file of the respondent.

ORDER : The Court made the following order :-

The petitioner / Accused No.1, who apprehends arrest at the hands of the respondent Police for the alleged offence punishable under Sections 342, 294(b) and 506 (ii) of I.P.C in C.C.No.33 of 2016, on the file of the learned Judicial Magistrate No.1 Madurai District, seeks anticipatory bail.

2. The petitioner was absent during the trial in C.C.No.33 of 2016, on the file of

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



CRL OP(MD). No.10492 of 2024

WEB COPY

the learned Judicial Magistrate No.1, Madurai District. Therefore, Non-Bailable Warrant came to be issued on 25.07.2023.

3. The learned counsel appearing for the petitioner would submit that there is no communication from his counsel regarding the Non-Bailable Warrant. Hence, he could not appear before the lower Court and hence NBW was issued against him on 25.07.2023. 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, the absconding charge sheet has been filed. Thereafter, non bailable warrant was issued against him on 25.07.2023.

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 No.1, Madurai 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 No.1 Madurai District, is directed to consider the said petition on merits



CRL OP(MD). No.10492 of 2024

and pass orders on the same day.

WEB COPY

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

sd/-

15/07/2024

/ TRUE COPY /

/07/2024

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

dss

TO

1 THE JUDICIAL MAGISTRATE NO.I, MADURAI DISTRICT.

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

3 THE INSPECTOR OF POLICE, B3-THEPPAKULAM POLICE STATION,
MADURAI DISTRICT.

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

+1 CC to M/s.G.ANTO PRINCE, Advocate (SR-7971[I] dated 16/07/2024)

ORDER IN

CRL OP(MD) No.10492 of 2024

Date :15/07/2024

RS/VR/SAR-(24.07.2024) 3P 6C

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