



CRL OP(MD). No.11645 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/07/2024

PRESENT

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

CRL OP(MD). No.11645 of 2024

Vicram @ Vikram,

... Petitioner/5th Accused

Vs

The Inspector of Police,
Pattukkottai Town Police Station,
Thanjavur District.
Crime No.307 of 2016.

... Respondent/Complainant

For Petitioner : Mr.D.Venkatesh,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

PRAYER :- To enlarge the petitioner on Bail in the Event of his arrest or surrender in
S.C.No.96 of 2019 on the file of the III Additional District Judge, Pattukkottai.



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ORDER: The Court made the following order :-

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This Petition is filed to enlarge the petitioner on Bail in the Event of his arrest or surrender in S.C.No.96 of 2019 on the file of the III Additional District Judge, Pattukkottai.

2. The petitioner, who apprehends arrest for the alleged offences under Sections 147, 148 and 302 of IPC in Crime No.307 of 2016 in connection with Non-Bailable Warrant issued in S.C.No.96 of 2019 on the file of the learned III Additional District Judge, Pattukkottai, seeks anticipatory bail.

3.The petitioner was absent during the trial on 10.04.2024 in S.C.No.96 of 2019 on the file of the learned Judicial Magistrate, III Additional District Judge, Pattukkottai. Therefore, Non Bailable Warrant came to be issued on the same day ie. 10.04.2024.

4. The learned counsel appearing for the petitioner submitted that due to ill health of the petitioner, he could not appear before the learned III Additional District Judge, Pattukkottai. In the meantime, Non Bailable Warrant was issued against him on 10.04.2024. He further submitted that the act of the petitioner is neither wilful nor wanton and prays for anticipatory bail to the petitioner.



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5. The learned Additional Public Prosecutor appearing for the State would submit that the petition before this Court is not maintainable, unless he 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 III Additional District Judge, Pattukkottai, and 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.

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 III Additional District Judge, Pattukkottai, 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 III Additional District Judge, Pattukkottai, is directed to consider the said petition on merits and pass orders on the same day.



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

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

TO

1 THE III ADDITIONAL DISTRICT JUDGE,
PATTUKKOTTAI.

3 THE INSPECTOR OF POLICE,
PATTUKKOTTAI TOWN POLICE STATION,
THANJAVUR DISTRICT.

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



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+1. CC to D.VENKATESH Advocate SR.No.8809

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ORDER
IN
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Date :26/07/2024

MGJ/JGB/07.08.2024/5P/5C

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