



CRL OP(MD). No.23109 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/12/2024

PRESENT

The HONOURABLE MR. JUSTICE P. DHANABAL

CRL OP(MD). No.23109 of 2024

A.Arunachalam

... Petitioner/1st Accused

Vs

The Inspector of Police,
Suthamalli Police Station,
Tirunelveli District.
(Crime No.88 of 2022)

... Respondent/Complainant

For Petitioner : Mr.S.Ramesh
Advocate.

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Cr.No.88 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/1st Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(B), 307, 506(2) IPC in Crime No.88 of 2022 on the file of the respondent police, seeks anticipatory bail.



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2. The case of the prosecution is that the case was scheduled for hearing on 06.08.2024. On that day, the petitioner was unable to appear before the Sub-Court, Ambasamudram, Tirunelveli as he was arrested in some other case. The trial Court issued Non Bailable Warrant (NBW) against the petitioner on 06.08.2024 and also fixed the next hearing date as 06.12.2024. The petitioner undertakes to appear before the Sub Court-Ambasamudram, Tirunelveli and also in subsequent hearing dates.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he was falsely implicated in this case. He has not committed any offence as alleged by the prosecution. When the case was posted on 06.08.2024, the petitioner was unable to appear before the trial Court, hence NBW was issued against the petitioner and now the respondent Police is trying to arrest the accused. Hence, prayed to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) submits that the case in S.C.No.83 of 2022 is still pending for trial before the Sub-Court, Ambasamudram. Since the accused failed to appear before the Court, NBW was issued against him. He further submits that there are 13 previous cases pending against the petitioner and he strongly opposes to grant anticipatory bail to the petitioner.

5. Heard both sides and perused the materials available on record.

6. Considering the rival submissions on either side and since the NBW is



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pending before the trial Court, it is only appropriate to direct the petitioner to appear before the Sub-Court, Ambasamudram by filing proper application to cancel the NBW issued against him.

7. Accordingly, the petitioner is directed to appear before the Sub-Court, Ambasamudram by filing proper application to cancel the NBW issued against him and on such application filed by the petitioner, the Sub-Court, Ambasamudram is directed to consider the same on merits and in accordance with law on the same day.

8. With the aforesaid direction, this Criminal Original Petition is disposed of.

sd/-
27/12/2024

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/01/2025

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

abr
To

1 THE INSPECTOR OF POLICE, SUTHAMALLI POLICE STATION,
TIRUNELVELI DISTRICT.

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

COPY TO

THE SUBORDINATE JUDGE,
AMBASAMUDRAM.

+1 CC to M/s.S.KASIRAJAN, Advocate (SR-15872[I] dated 27/12/2024)
<https://www.mhc.tn.gov.in/judis>



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ORDER

IN

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Date :27/12/2024

RS/SKN/SAR-(02.01.2025) 4P 5C

Madurai Bench of Madras High Court is issuing
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