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Crl.OP.No.33360 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.12.2025

CORAM:

THE HON'BLE MR.JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.OP.No.33360 of 2025

and

Crl.M.P.No.23286 of 2025

1. Senthil Kumar
2. Aruna
3. Palaniyappan

...Petitioners

Vs.

The State Rep. By Inspector of Police,
R6, Kumaran Nagar Police Station,
Chennai – 600 083.

...Respondent

Criminal Original Petition filed under Section 482 of Cr.P.C./528 of BNSS, 2023 to call for records and to set aside the order in Crl.M.P.No.14 of 2025 in CC.No.1453 of 2024 dated 17.11.2025 by the XXIII Metropolitan Magistrate, Saidapet, Chennai and consequently extend the time produce surety and bail bond.

For Petitioners : Mr.S.Yasar Arafath

For Respondent : Mr.S.Santhosh,
Government Advocate

For Intervenor : Mr.S.Sudanthiran



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ORDER

This petition has been filed seeking to set aside the order dated 17.11.2025 passed in Crl.M.P.No.14 of 2025 in CC.No.1453 of 2024 by the XXIII Metropolitan Magistrate, Saidapet, Chennai and to consequently extend the time to produce surety and bail bond.

2. The learned counsel for the petitioners submits that the petitioners were unable to arrange sureties, and therefore, could not appear before the said Court on 17.11.2025. However, the learned Magistrate, without considering the said fact, had issued Non-Bailable Warrant against A1 to A3 which is *per se* unsustainable.

3. Heard the learned counsel appearing on either side and perused the materials available on record.

4. On a perusal of the records, it is evident that the petitioners did not appear before the Court on 17.11.2025. By order dated 17.11.2025, the learned Magistrate had issued non bailable warrant against A1 to A3 and declined to condone their absence on the ground that sureties had not been furnished and bond had not been executed.



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5. In the above circumstances, the proper course for the petitioners would be to appear before the Court concerned and file an application seeking recall of the Non-bailable warrant.

6. Accordingly, the petitioners are directed to appear before the Court concerned, furnish sureties, execute the bond and file an application seeking to recall of the Non-bailable Warrant. Upon such filing, the learned Magistrate shall consider and pass orders on merits on the very same day.

7. Accordingly, this criminal original petition is disposed of. Consequently, connected miscellaneous petition is closed.

08.12.2025

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Speaking order : Yes/No

NCC : Yes/No

To:

1. The Inspector of Police,
R6, Kumaran Nagar Police Station, Chennai – 600 083.

2. The Public Prosecutor,
Madras High Court.

3. The XXIII Metropolitan Magistrate, Saidapet, Chennai

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