

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Sixth day of June Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL ORIGINAL PETITION No.13309 of 2018

N.BASKAR

[PETITIONER / ACCUSED]

Vs

THE STATE REP. BY,
THE INSPECTOR OF POLICE,
ARCOT TOWN POLICE STATION,
ARCOT, VELLORE DISTRICT.
CR.NO.267 OF 2010

[RESPONDENT]

For Petitioner : M/S.C.ARUN KUMAR Advocate

For Respondent : MR.C.IYYAPPARAJ, ADDITIONAL PUBLIC PROSECUTOR

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends the arrest at the hands of respondent police pursuant to a Non Bailable Warrant issued against him in C.C.No.138 of 2012, which is pending on the file of the learned District Munsif-cum-Judicial Magistrate, Arcot, Vellore District, seeks anticipatory bail.

2. The learned counsel for the petitioner would submit that the case relates to offence under Sections 457 and 380 of IPC and that he was regularly appearing before the Court on all hearing dates, whereas, on 06.03.2018, the petitioner was unable to appear before the learned District Munsif-cum-Judicial Magistrate, Arcot, Vellore District, due to illness and that the learned District Munsif-cum-Judicial Magistrate, Arcot, Vellore District, issued Non Bailable Warrant against the petitioner and hence he prayed for anticipatory bail to the petitioner.

3. The learned Additional Public Prosecutor submitted that the learned District Munsif-cum-Judicial Magistrate, Arcot, Vellore District, has issued Non Bailable Warrant for non appearance on 06.03.2018.

4. In view of the above position, the relief available to the petitioner is to surrender before the learned Magistrate concerned and file a petition U/s.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.

5. 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., the learned District Munsif-cum-Judicial Magistrate, Arcot, Vellore District, and file a petition under Section 70(2) of Cr.P.C. to recall the non bailable warrant on the same day. On filing of such petition, the learned District Munsif-cum-Judicial Magistrate, Arcot, Vellore District, is directed to consider the said petition on merits and pass orders on the same day.

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

-sd/-
06/06/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE DISTRICT MUNSIF-CUM-
JUDICIAL MAGISTRATE, ARCOT,
VELLORE DISTRICT.

2 THE INSPECTOR OF POLICE,
ARCOT TOWN POLICE STATION,
ARCOT, VELLORE DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.C.ARUN KUMAR Advocate on payment of necessary
charges in SR.NO. 10109

CRL OP.13309/2018

Date :06/06/2018

MLT-08/06/2018