

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Eighteenth day of June Two Thousand Eighteen

PRESENT

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

CRIMINAL ORIGINAL PETITION No.15168 of 2018

IN

S.C.No.28 of 2013

(On the file of IV Additional Sessions Judge, Chennai

ANANDAMOORTHY

[PETITIONER / ACCUSED]

Vs

STATE BY,

[RESPONDENT]

THE SUB INSPECTOR OF POLICE,
F-4, THOUSAND LIGHTS POLICE STATION,
CHENNAI.
CR. NO. 356/2012.

For Petitioner : M/S.N.SELVARAJAN 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 S.C.No.28 of 2013, which is pending on the file of the learned IV Additional Sessions Judge, Chennai, seeks anticipatory bail.

2. The learned counsel for the petitioner would submit that the case relates to offence under Section 392 of IPC and that he was regularly appearing before the Court on all hearing dates, whereas, on 08.06.2018, the petitioner was unable to appear before the learned IV Additional Sessions Judge, Chennai, due to illness and that the learned IV Additional Sessions Judge, Chennai, 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 IV Additional Sessions Judge, Chennai, has issued Non Bailable Warrant for non appearance on 08.06.2018.

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 IV Additional Sessions Judge, Chennai, 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 IV Additional Sessions Judge, Chennai, 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/-
18/06/2018

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 IV ADDITIONAL SESSIONS
JUDGE, CHENNAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE SUB INSPECTOR OF POLICE,
F-4, THOUSAND LIGHTS POLICE STATION,
CHENNAI.

+1CC to M/S.N.SELVARAJAN Advocate on payment of necessary
charges SR NO.10948

CRL OP.15168/2018

Date :18/06/2018

MK:22/06/2018