

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Ninth day of July Two Thousand Eighteen

PRESENT

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

CRIMINAL ORIGINAL PETITION No.17247 of 2018

IN

C.C.NO.15380 OF 2008,

[ON THE FILE OF CHIEF METROPOLITAN MAGISTRATE COURT AT
EGMORE, CHENNAI]

S.SRIHARAN

[PETITIONER / ACCUSED]

Vs

THE STATE REPRESENTED BY
INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH,
EGMORE, CHENNAI.

[RESPONDENT]

For Petitioner : M/S.A.SELVENDRAN Advocate

For Respondent : MR.M.MOHAMED RIYAZ, 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 her in C.C.No.15380 of 2008, which is pending on the file of the learned Chief Metropolitan Magistrate, Egmore, Chennai, seeks anticipatory bail.

2. The learned counsel for the petitioner would submit that the case was registered in Crime No.74 of 2008 for the offence under Sections 420,465, 468, 471 and 120(B) of IPC and after completing the investigation, the respondent has filed the charge sheet in C.C.No.15380 of 2008 before the learned Chief Metropolitan Magistrate, Egmore, Chennai and that the petitioner was not served with summons for the case and hence, he has not attended the case and that the learned Chief Metropolitan Magistrate, Egmore, Chennai, issued Non Bailable Warrant against the petitioner on 06.02.2018 and hence, he prayed for anticipatory bail to the petitioner.

3. The learned Additional Public Prosecutor submitted that the learned Chief Metropolitan Magistrate, Egmore, Chennai, has issued Non Bailable Warrant for non appearance on 06.02.2016.

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., Chief Metropolitan Magistrate, Egmore, Chennai, 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 Chief Metropolitan Magistrate, Egmore, 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/-
09/07/2018

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 CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH,
EGMORE, CHENNAI.

+1CC to M/S.A.SELVENDRAN Advocate on payment of necessary
charges SR NO.12688

CRL OP.17247/2018

Date :09/07/2018

MK:12/07/2018