

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Sixteenth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.6803 of 2021

in

C.C.No.37 OF 2017

(ON THE FILE OF JUDICIAL MAGISTRATE AT TITTAGUDI)

PRABHA

[PETITIONER / ACCUSED]

Vs

1 THE STATE REP. BY [RESPONDENTS]
THE INSPECTOR OF POLICE, (LAW AND ORDER),
THIRUVARUR TALUK POLICE STATION,
THIRUVARUR DISTRICT.

2 THE INSPECTOR OF POLICE, (LAW AND ORDER),
RAMANATTHAM POLICE STATION,
THOLUDUR, TITTAGUDI TALUK,
CUDDALORE DISTRICT.

For Petitioner : M/S.R.THIRUMOORTHY Advocate

For Respondents: MR.T.SHUNMUGARAJESWARAN, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 494 and 109 of IPC, in C.C.No.37 of 2017 on the file of the learned Judicial Magistrate, Tittagudi, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is facing trial for the offence under Section 494 and 109 of IPC in C.C.No.316 of 2016 before on the file of the learned Judicial Magistrate, Tittagudi and during trial, she did not appear before the trial Court, non bailable warrant was issued against her.

3.The learned counsel appearing for the petitioner would submit that since the petitioner suffered ill health, she could not appear before the lower Court and hence non bailable warrant was issued against her. However, her non appearance is neither wilful nor wanton.

4.The learned Additional Public Prosecutor would submit that since the petitioner did not appear before the Court during trial, non bailable warrant was issued against her.

5.In view of the above position, this Court is of the opinion that the relief available to the petitioner is to surrender before the learned Magistrate concerned and to file a petition under Section 70(2) of Cr.P.C. to recall the Non Bailable Warrant of Arrest issued against her. Therefore, the question of granting anticipatory bail does not at all arise.

6. Considering the fact that non-bailable warrant is pending against the petitioner, the petitioner is directed to surrender before the trial Court i.e., learned Judicial Magistrate, Tittagudi 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 on the file of the learned Judicial Magistrate, Tittagudi is directed to consider the said petition on merits and pass orders on the same day.

7. Accordingly, this criminal original petition is disposed of.

-sd/-

16/04/2021

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 JUDICIAL MAGISTRATE,
TITTAGUDI

2 THE INSPECTOR OF POLICE,
(LAW AND ORDER), THIRUVARUR TALUK POLICE STATION,
THIRUVARUR DISTRICT.

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3 THE INSPECTOR OF POLICE, (LAW AND ORDER),
RAMANATTAM POLICE STATION,
THOLUDUR, TITTAGUDI TALUK,
CUDDALORE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.R.THIRUMOORTHY Advocate on payment of necessary
charges sr.5054

CRL OP.6803/2021

Date :16/04/2021

RVR 23/04/2021



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