

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Nineteenth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.7295 of 2021

RAJESH @ VEDHARAJ

[PETITIONER / ACCUSED]

Vs

STATE REP.BY

[RESPONDENT]

INSPECTOR OF POLICE,
VIRUTHAMPET POLICE STATION,
VELLORE DISTRICT.
CR.NO.478/2016.

For Petitioner : M/S. E.KANNADASAN Advocate

For Respondent :MR. T.SHUNMUGARAJESWARAN, Govt. Advocate (CrI. 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 395, 397 of IPC subsequently altered into 395, 397, 120(B), 341, 294(b), 506(ii), 114 of IPC in P.R.C.No.56 of 2020 on the file of the learned Judicial Magistrate No.III, Vellore, Vellore District, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is facing trial for the offence under Sections 395, 397 of IPC subsequently altered into 395, 397, 120(B), 341, 294(b), 506(ii), 114 of IPC in P.R.C.No.56 of 2020 before the learned Judicial Magistrate No.III, Vellore, Vellore District and since he did not appear before the Court, non bailable warrant was issued against him.

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

4.The learned Government Advocate would submit that since the petitioner did not appear before the Court, non bailable warrant was issued against him.

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 him. 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 No.III, Vellore 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 Judicial Magistrate No.III, Vellore, is directed to consider the said petition on merits and pass orders on the same day. Accordingly, this criminal original petition is disposed of.

-sd/-

19/04/2021

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,NO.III, VELLORE

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 INSPECTOR OF POLICE,
VIRUTHAMPET POLICE STATION,
VELLORE DISTRICT.

CC to M/S. E.KANNADASAN Advocate on payment of necessary charges Sr.5070

CRL OP.7295/2021

Date :19/04/2021

RVR 27/04/2021