



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Wednesday, the Eleventh day of August Two Thousand Twenty One

WEB COPY

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI
CRIMINAL ORIGINAL PETITION No.13978 of 2021

IN

S.C.NO.14 OF 2017
(ON THE FILE OF 3RD ADDITIONAL DISTRICT JUDGE AT CHENGALPATTU)

BASKAR @ BASKARAN

[PETITIONER / ACCUSED]

Vs

STATE REP.BY
INSPECTOR OF POLICE,
CHROMPET POLICE STATION,
CHENNAI - 600 044.
CRIME NO.287/2014.

[RESPONDENT]

For Petitioner : M/S. S.SAIRAMAN Advocate

For Respondent : Mr.C.E.Pratap Government Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner who apprehend arrest at the hands of the respondent police for the alleged offence under Section 307 of I.P.C. subsequently altered into 302 of I.P.C. in Cr.No.287 of 2014 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is facing trial for the offence under Section 307 of I.P.C. subsequently altered into 302 of I.P.C. in S.C.No.14 of 2017 before the learned 3rd Additional District Judge at Chengalpattu and since he did not appear before the Court on 22.04.2021, 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 (Crl. Side) would submit that since the petitioner did not appear before the Court on 22.04.2021, 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 3rd Additional District Judge at Chengalpattu 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 3rd Additional District Judge at Chengalpattu 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/-

11/08/2021

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 III ADDITIONAL DISTRICT JUDGE, CHENGALPATTU

2 INSPECTOR OF POLICE,
CHROMPET POLICE STATION,
CHENNAI - 600 044.

3 THE PUBLIC PROSECUTOR, HIGH COURT, MADRAS.

CC to M/S. S.SAIRAMAN Advocate on payment of necessary charges
SR.8388

CRL OP.13978/2021

Date :11/08/2021

RVR 16/08/2021