



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

Thursday, the Nineteenth day of August Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.14709 of 2021

IN

S.C.NO.49 OF 2017

(On the file of The Additional District and Sessions Court,Chengalpet)

GAJA @ GAJENDERAN

[PETITIONER / ACCUSED]

Vs

THE STATE REP.BY
INSPECTOR OF POLICE,
PEERKANKARANAI POLICE STATION,
KANCHIPURAM DISTRICT.
CRIME NO.98/2010

[RESPONDENT]

For Petitioner : M/S.D.MAGESH Advocate

For Respondent : Mr.A.Gopinath Government 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 Section 147, 148, 341, 302, 120(B) of IPC under Non-Bailable Warrant issued on 24.02.2021 in SC.No.49 of 2017 on the file of the learned Additional District and Sessions Judge, Chengalpet, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is facing trial for the offence under Section 147, 148, 341, 302, 120(B) of IPC in SC.No.49 of 2017 on the file of the learned Additional District and Sessions Judge, Chengalpet, and since he did not appear before the Court on 24.02.2021, non bailable warrant was issued against him.



3.The learned counsel appearing for the petitioner would submit that the petitioner was already arrested in Crime No.52 of 2021 for the offence under Section 341, 294(b), 385 and 506(ii) of IPC. The respondent police have failed to inform the same to the Court. 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 on 24.02.2021, 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 Additional District and Sessions District Judge at Chengalpattu District 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 Additional District and Sessions District Judge at Chengalpattu District 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/-

19/08/2021

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 THE ADDITIONAL DISTRICT AND
SESSIONS DISTRICT JUDGE AT
CHENGALPATTU DISTRICT.



2 INSPECTOR OF POLICE,
PEERKANKARANAI POLICE STATION,
KANCHIPURAM DISTRICT.

WEB COPY

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.D.MAGESH Advocate on payment of necessary charges
Sr.8816

CRL OP.14709/2021

Date :19/08/2021

RVR 14/09/2021