



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twenty Third day of August Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.14897 of 2021

K.SARAVANAN

[PETITIONER / ACCUSED]

Vs

THE STATE REP.BY
SI OF POLICE PAGANDAI
KUTTUSALAI POLICE STATION,
THIRUKOILUR CIRCLE,
VILLIPURAM DISTRICT.
(CR.NO.17/2014)

[RESPONDENT]

For Petitioner : M/S. R.DAKSHINA MURTHY Advocate

For Respondent : MR.C.E.PRATAP, Govt. Advocate (CrI. Side)

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

ORDER : The Court Made the following order :-

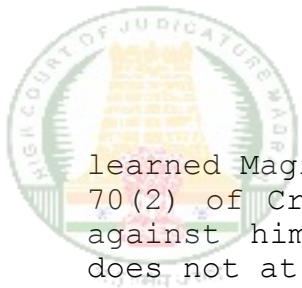
The petitioner who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 294(b), 324, 326, 506(ii) and 302 of I.P.C. in Cr.No.17 of 2014 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is facing trial for the offence under Sections 294(b), 324, 326, 506(ii) and 302 of I.P.C. in S.C.No.182 of 2015 before the learned Additional District and Sessions Judge ADJ - FTC at Villupuram 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 the petitioner was unable to 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 (CrI. Side) 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.

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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 Judge ADJ - FTC at Villupuram 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 Judge ADJ - FTC at Villupuram 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/-
23/08/2021

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 SUB INSPECTOR OF POLICE,
PAGANDAI KUTTUSALAI POLICE STATION,
THIRUKOILUR CIRCLE,
VILLIPURAM DISTRICT.

2 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE,
FTC, VILLUPURAM DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. R.DAKSHINA MURTHY Advocate on payment of necessary charges

CRL OP.14897/2021

Date :23/08/2021