



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the First day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.15753 of 2021

K.SELVAKUMAR

[PETITIONER / ACCUSED]

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
HUDCO POLICE STATION,
HOSUR, KRISHNAGIRI DISTRICT.
S.C.NO.38 OF 2021

[RESPONDENT]

For Petitioner : M/S M.THIYAGARAJAN Advocate

For Respondent : MR.C.E.PRATAP, 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 Section 449, 302 and 380 of I.P.C. in S.C.No.38 of 2021 on the file of the learned Fast Track Mahila Cour, Krishnagiri seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is facing trial for the offence under Section 449, 302, 380 of I.P.C in S.C.No.38 of 2021 before the learned Fast Track Mahila Court, Krishnagiri and since he did not appear before the Court on 03.06.2021, non bailable warrant was issued against him.

3.The learned counsel appearing for the petitioner submits 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 Additional Public Prosecutor submits that since the petitioner did not appear before the Court on 03.06.2021, 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 Fast Track Mahila Cour, Krishnagiri 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 Fast Track Mahila Cour, Krishnagiri 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/-
01/09/2021

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 INSPECTOR OF POLICE,
HUDCO POLICE STATION,
HOSUR, KRISHNAGIRI DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE FAST TRACK MAHILA COURT,
KRISHNAGIRI.

+1 CC to M/S M.THİYAGARAJAN Advocate on payment of necessary charges SR.NO. 9536

CRL OP.15753/2021

Date :01/09/2021

JPA 13/09/2021