



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Thirteenth day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.16664 of 2021

S.C.NO.138 of 2013

(On the file of The learned III Additional District and Sessions Judge
at Salem)

BHASKARAN

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
MEENSURUTI POLICE STATION,
ARIYALUR DISTRICT
(CRIME NO.130/2008)

[RESPONDENT]

For Petitioner : M/S.N.NANMARAN Advocate

For Respondent : M/S. A.GOPINATH, 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 for the alleged offence under Sections 147, 148, 120B, 307, 302, 326, 201 r/w. Section 302 of I.P.C. in S.C.No.138 of 2013 on the file of the learned III Additional District and Sessions Judge at Salem, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is facing trial for the offence under Sections 147, 148, 120B, 307, 302, 326, 201 r/w. Section 302 of I.P.C. in S.C.No.138 of 2013 on the file of the learned III Additional District and Sessions Judge at Salem and since he did not appear before the Court on 06.11.2020, 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 Additional Public Prosecutor would submit that since the petitioner did not appear before the Court on 06.11.2020, 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 III Additional District and Sessions Judge at Salem 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 III Additional District and Sessions Judge at Salem 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/-

13/09/2021

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 III ADDITIONAL SESSIONS
DISTRICT AND SESSIONS JUDGE SALEM

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



3 THE INSPECTOR OF POLICE,
MEENSURUTI POLICE STATION,
ARIYALUR DISTRICT

WEB COPY

+3 CC to M/S.N.NANMARAN Advocate on payment of necessary charges
SR.No.9997

CRL OP.16664/2021

Date :13/09/2021

APN 28/09/2021