



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.16681 of 2021

P.R.C No 16 of 2016

(On the file of the Learned **(*) JUDICIAL MAGISTRATE - I Thiruvarur**)

(*)ANAND @ ANANDARAJ

[PETITIONER / ACCUSED]

Vs

STATE REP.BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
TIRUVARUR TOWN POLICE STATION,
THIRUVARUR.
CR.NO.452 OF 2014.

For Petitioner : M/S.M.GOVINDARAJU 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, 294(b), 323, 324, 307 r/w 34 of I.P.C. in PRC.No.16 of 2016 on the file of the learned Chief Judicial Magistrate, Thiruvarur, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is facing trial for the offence under Sections 147, 148, 294(b), 323, 324, 307 r/w 34 of I.P.C. in PRC.No.16 of 2016 on the file of the learned **(*) JUDICIAL MAGISTRATE - I** and since he did not appear before the Court on 03.04.2018, non bailable warrant was issued against him.

3.The learned counsel appearing for the petitioner would submit that since the petitioner was unaware of the said case and that a Non Bailable Warrant is pending against him issued by the Learned Chief Judicial Magistrate, Tiruvarur on 03.04.2018, 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 03.04.2018, 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 Chief Judicial Magistrate, Thiruvarur 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 Chief Judicial Magistrate, Thiruvarur 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.

(*) Amended as per order of this court dated 01/11/2021 in Cr1.M.P.No.11183/2021 in Cr1.O.P.No.16681/2021

TO

**1 (*) THE JUDICIAL MAGISTRATE NO.I
THIRUVARUR**

**2 THE CHIEF JUDICIAL MAGISTRATE,
THIRUVARUR**



3 THE INSPECTOR OF POLICE,
TIRUVARUR TOWN POLICE STATION,
THIRUVARUR

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.M.GOVINDARAJU Advocate on payment of necessary
charges SR.No.12314

CRL OP.16681/2021

Date :13/09/2021

APN 28/09/2021

APN 22/11/2021