



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Sixteenth day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.16818 of 2021

IN

C.C.NO.172 of 2021

(on the File of the Additional Mahila court
Judicial Magistrate Level)

SUGUMARAN

[PETITIONER / ACCUSED]

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH,
CYBER CRIME CELL,
EGMORE, CHENNAI - 600 008.
(CRIME NO.826/2006)

[RESPONDENT]

For Petitioner : S.L.VENKATESAN Advocate

For Respondent : MR.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 at the hands of the respondent police for the alleged offence under Sections 506(ii) and 109 of IPC, in C.C.No.172 of 2012 on the file of the Additional Mahila Court (Magisterial level) Alandur, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is facing trial for the offence under Section 506(ii) and 109 of IPC, in C.C.No.172 of 2012 before the Additional Mahila Court (Magisterial level) Alandur and since he did not appear before the Court on 09.12.2019, non bailable warrant was issued against him.



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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 Government Advocate (Crl.Side) would submit that since the petitioner did not appear before the Court on 09.12.2019, 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., The Additional Mahila Court (Magisterial level) Alandur, 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 Mahila Court (Magisterial level) Alandur 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/-
16/09/2021

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 ADDITIONAL MAHILA COURT
(MAGISTERIAL LEVEL), ALANDUR.

2 THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH,
CYBER CRIME CELL, EGMORE,
CHENNAI - 600 008.



3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to S.L.VENKATESAN Advocate on payment of necessary charges
SR.NO.10143

CRL OP.16818/2021

Date :16/09/2021

CSK 23/09/2021