



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Seventeenth day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.17140 of 2021

IN S.C.No.62 of 2019

(ON THE FILE OF THE II Additional District Judge, AT ERODE)

GURU @ GURUSAMY

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
THINGALUR POLICE STATION,
ERODE DISTRICT.
CRIME NO. 145 OF 2016.

[RESPONDENT]

For Petitioner : M/S.T.PADMANABHAN Advocate

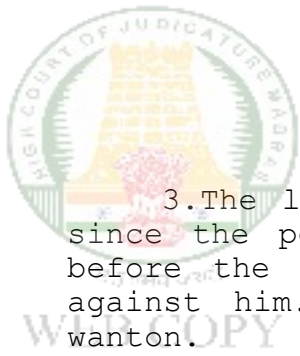
For Respondent : MR. A.GOPINATH, Govt. Advocate (Crl. Side)

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 447, 147, 148, 353, 294(b) and 506(i) of IPC r/w Section 3(1) of the Public Property (Prevention of Damage and Loss) Act 1992 in S.C.No.62 of 2019 on the file learned II Additional District Judge, Erode seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is facing trial for the offence under Section 447, 147, 148, 353, 294(b) and 506(i) of IPC r/w Section 3(1) of the Public Property (Prevention of Damage and Loss) Act 1992 in S.C.No.62 of 2019 before the learned II Additional District Judge, Erode and since he did not appear before the Court on 20.07.2021, non bailable warrant was issued against him.



3.The learned counsel appearing for the petitioner submits that since the petitioner's personal inconvenience, 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) submits that since the petitioner did not appear before the Court on 20.07.2021, 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 II Additional District Judge, Erode 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 II Additional District Judge, Erode 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/-
17/09/2021

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 IIND ADDITIONAL DISTRICT JUDGE
AT ERODE.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



3 THE INSPECTOR OF POLICE,
THINGALUR POLICE STATION,
ERODE DISTRICT.

WEB COPY

+1 CC to M/S.T.PADMANABHAN Advocate on payment of necessary
charges SR.NO.10192

CRL OP.17140/2021

Date :17/09/2021

RW 30/09/2021