



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.17152 of 2021

IN

S.C.No.192 of 2016

(ADDITIONAL DISTRICT JUDGE, CHENGALPATTU)

BALA @ BALAKRISHNAN

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
MADIPAKKAM POLICE STATION,
CHENNAI.
(CR NO.1179/2015)

[RESPONDENT]

For Petitioner : M/S.P.SUNDAR RAAJAN Advocate

For Respondent : MR.A.GOPINATH, Govt. Advocate (CrI. 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 120(b), 147, 148, 149, 109, 341, 427, 302 r/w 34 of IPC in S.C.No.192 of 2016 on the file of the learned Additional District Judge, Chengalpattu seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is facing trial for the offence under Section 120(b), 147, 148, 149, 109, 341, 427, 302 r/w 34 of IPC in S.C.No.192 of 2016 before the learned Additional District Judge, Chengalpattu and since he did not appear before the Court on 02.01.2019, 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 02.01.2019, 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., learned Additional District and Sessions Judge, Chengalpattu 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 District, Chengalpattu 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 THE ADDITIONAL DISTRICT JUDGE,
CHENGALPATTU.

2 THE INSPECTOR OF POLICE,
MADIPAKKAM POLICE STATION,
CHENNAI.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.P.SUNDAR RAAJAN Advocate on payment of necessary charges

CRL OP.17152/2021

Date :17/09/2021

CSK 04/10/2021

<https://hcservices.ecourts.gov.in/hcservices/>