



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twentieth day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.17284 of 2021

S.C.No.85 of 2015

(In the Court of the Additional District & Sessions District Judge,
Fast Track Court No.1 at Chengalpattu)

KAVASKAR

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
PADALAM POLICE STATION,
CHENGALPATTU DISTRICT.
CRIME NO. 1080 OF 2012.

[RESPONDENT]

For Petitioner : M/S.R.JOHN SATHYAN Advocate

For Respondent : M/S. C.E.PRATAP, 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 Section 364, 382, 302 read with 34 of IPC under Non-Bailable Warrant issued on 09.03.2020 in SC.No.85 of 2015 on the file of the learned Additional District and Sessions Judge, Fast Track Court No.1 Chengalpattu, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is facing trial for the offence under Section 364, 382, 302 read with 34 of IPC in SC.No.85 of 2015 on the file of the learned Additional District and Sessions Judge, Fast Track Court No.1 Chengalpattu, and since he did not appear before the Court on 09.03.2020 , non bailable warrant was issued against him.

3.The learned counsel appearing for the petitioner would submit that the petitioner was already arrested in Crime No.1080 of 2012 for



the offence under Section 364, 382, 302 read with 34 of IPC. The respondent police have failed to inform the same to the Court. Hence, non bailable warrant was issued against him. However, his non appearance is neither wilful nor wanton.

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4. The learned Government Advocate would submit that since the petitioner did not appear before the Court on 09.03.2020, 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 Additional District and Sessions District Judge, Fast Track Court No.1 at Chengalpattu District 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 and Sessions District Judge at Chengalpattu District 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/-

20/09/2021

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 & SESSIONS DISTRICT JUDGE,
FAST TRACK COURT NO.1
CHENGALPATTU

2 THE INSPECTOR OF POLICE,
PADALAM POLICE STATION,
CHENGALPATTU DISTRICT.



3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.R.JOHN SATHYAN Advocate on payment of necessary
charges SR.No.10278

CRL OP.17284/2021

Date :20/09/2021

APN 01/10/2021