



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.17314 of 2021

IN S.C.No.160 OF 2017

(On the file of the Principal Subordinate Judge, Vellore)

JEEVANANDHAM

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
PEW, VELLORE POLICE STATION,
VELLORE DISTRICT
(CRIME NO.726 OF 2011)

[RESPONDENT]

For Petitioner : M/S R.SASIKUMAR Advocate

For Respondent : MR.C.E.PRATAP, Govt. Advocate (Crl. Side)

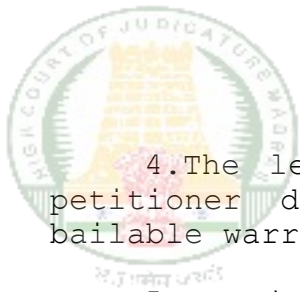
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Section 420, 468, 471, 472, 473, 474 of IPC read with Section 4(1)(aaa), 4(1-A) ii of TNP Act in S.C.No.160 of 2017 on the file of the learned Subordinate Judge, Vellore District, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is facing trial for the offence under Section 420, 468, 471, 472, 473, 474 of IPC read with Section 4(1)(aaa), 4(1-A) ii of TNP Act in S.C.No.160 of 2017 on the file of the learned Subordinate Judge, Vellore District and since he did not appear before the Court on 13.03.2020, non bailable warrant was issued against him.

3.The learned counsel appearing for the petitioner would submit that due to lock down of Covid-19, the petitioner was unable to appear before the trial Court and hence non bailable warrant was issued against him. However, his non appearance is neither wilful nor wanton.



4. The learned Government Advocate would submit that since the petitioner did not appear before the Court on 13.03.2020, 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 Subordinate Judge 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 Subordinate Judge, Vellore 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 Subordinate Judge, Vellore 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 SUBORDINATE JUDGE,
VELLORE DISTRICT.

2 THE INSPECTOR OF POLICE,
PEW, VELLORE POLICE STATION,
VELLORE DISTRICT

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S R.SASIKUMAR Advocate on payment of necessary charges SR.NO.10399

CRL OP.17314/2021

Date :20/09/2021

JPA 30/09/2021