



IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

Tuesday, the Twenty First day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.17461 of 2021

YESWANT RAJ @ ALLAPPA

[ PETITIONER / ACCUSED ]

Vs

STATE REP BY  
INSPECTOR OF POLICE,  
ALL WOMEN POLICE STATION,  
VILLIVAKKAM, CHENNAI.  
(CRIME NO. 2 OF 2019)

[ RESPONDENT ]

For Petitioner : M/S. R.SANKARASUBBU 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 :-

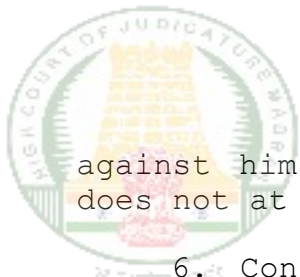
The petitioner who apprehends arrest for the alleged offence under Section 6 of POCSO Act, 2012 in C.C.No.5 of 2020 and in Crime No.2 of 2019 on the file of the learned Special Court, POCSO Act, Chennai, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is facing trial for the offence under Section 6 of POCSO Act, 2012 in C.C.No.5 of 2020 and in Crime No.2 of 2019 before the learned Special Court, POCSO Act, Chennai and since he did not appear before the Court on 05.06.2021, non bailable warrant was issued against him.

3.The learned counsel appearing for the petitioner would submit that since the petitioner was bedridden he could not appear before the Trial Court. Hence, the 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 05.06.2021, 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 Special Court, POCSO Act, Chennai 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 Special Court, POCSO Act, Chennai 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/-  
21/09/2021

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 INSPECTOR OF POLICE,  
ALL WOMEN POLICE STATION,  
VILLIVAKKAM, CHENNAI.

2 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

CC to M/S. R.SANKARASUBBU Advocate on payment of necessary charges

CRL OP.17461/2021

Date :21/09/2021

CSK 30/09/2021