



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.17478 of 2021

IN C.C.No.74 OF 2021

(On the file of Learned Judicial Magistrate-I, poonamalle)

SANTHOSHKUMAR

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE SUB INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH,
CHENNAI.
CRIME NO.110 OF 2013.

[RESPONDENT]

For Petitioner : M/S.S.SENGKODI 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 406, 420 r/w 34 of IPC and 16(1) Chit fund Act in C.C.No.74 of 2021 and in Crime No.110 of 2013 on the file of the learned Judicial Magistrate No.I, Poonthamalle, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is facing trial for the offence under Section Section 406, 420 r/w 34 of IPC and 16(1) Chit fund Act in C.C.No.74 of 2021 and in Crime No.110 of 2013 before the learned Judicial Magistrate No.I, Poonthamalle and since he did not appear before the Court for hearing, non bailable warrant was issued against him on 31.08.2021.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not appear before the Trial Court for haring. 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 Trial Court for hearing on 31.08.2021, non bailable warrant was issued against him.

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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 Judicial Magistrate No.I, Poonthamalle and file a petition under Section 70(2) of Cr.P.C., to recall the non bailable warrant. On filing of such petition, learned Judicial Magistrate No.I, Poonthamalle 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 JUDICIAL MAGISTRATE,
NO.I, POONTHAMALLE.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION].

3 THE SUB INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH, CHENNAI.



4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.S.SENGKODI
charges SR.NO.10448

Advocate on payment of necessary

CRL OP.17478/2021

Date :21/09/2021

JPA 30/09/2021