



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Tuesday, the Twenty Eighth day of September Two Thousand Twenty One
PRESENT

The Hon`ble Mr Justice M.DHANDAPANI
CRIMINAL ORIGINAL PETITION No.17942 of 2021
AGAINST

C.C.No.1040 OF 2021
(ON THE FILE OF V M.M. COURT, EGMORE, CHENNAI-08)

A.KARAN

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE, (CRIME),
K-7, POLICE STATION,
I.C.F. GANDHI NAGAR,
KONNUR HIGH ROAD,
CHENNAI-600 038.
CR.NO. 129/2020.

[RESPONDENT]

For Petitioner : M/S. DALIT TIGER C. PONNUSAMY 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 Sections 457 and 380 of IPC under Non-Bailable Warrant issued on 17.08.2021 in CC.No.1040 of 2021 against Crime No.129 of 2020 on the file of the Hon'ble V Metropolitan Magistrate Court, Egmore, Chennai, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is facing trial for the offence under Section 457 and 380 of IPC in CC.No.1040 of 2021 against Crime No.129 of 2020 on the file of the Hon'ble V Metropolitan Magistrate Court, Egmore, Chennai. Since he did not appear before the Court on 17.08.2021, non bailable warrant was issued against him.

3.The learned counsel appearing for the petitioner would submit that the petitioner was unable to appear before the Hon'ble V



Metropolitan Magistrate Court, Egmore, Chennai on 17.08.2021 due to his poor health condition . 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 17.08.2021, 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., Hon'ble V Metropolitan Magistrate Court, Egmore, 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 Hon'ble V Metropolitan Magistrate Court, Egmore, 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/-
28/09/2021

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 V METROPOLITAN MAGISTRATE
COURT, EGMORE, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE CHENNAI (FOR INFORMATION).



3 THE INSPECTOR OF POLICE, (CRIME),
K-7, POLICE STATION,
I.C.F. GANDHI NAGAR,
KONNUR HIGH ROAD,
CHENNAI-600 038.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

CC to M/S. DALIT TIGER C. PONNUSAMY Advocate on payment of
necessary charges

CRL OP.17942/2021

Date :28/09/2021

INBA-13/10/2021