



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Seventh day of October Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.18884 of 2021

(P.R.C.No.254/2010 in CrI.No.1060 of 2009 pending on the file of V
Metropolitan Magistrate court at Egmore, Chennai)

SAM SUNDER SINGH

[PETITIONER / ACCUSED]

Vs

THE INSPECTOR OF POLICE,
K-4, ANNA NAGAR POLICE STATION,
CHENNAI.
CR.NO.1060/2009.

[RESPONDENT]

For Petitioner : M/S.T.V.G.KARTHEEBAN Advocate

For Respondent : M/S. C.E.PRATAP, Govt. Advocate (CrI. 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 147, 148, 341, 394, 324, 307, 506(ii) of IPC under Non-Bailable Warrant issued on 23.06.2021 in P.R.C.No.254 of 2010 in Crime No.1060 of 2009 on the file of the 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 147, 148, 341, 394, 324, 307, 506(ii) of IPC under Non-Bailable Warrant issued on 23.06.2021 in P.R.C.No.254 of 2010 in Crime No.1060 of 2009 on the file of the V Metropolitan Magistrate Court, Egmore, Chennai, since he did not appear before the Court on 06.03.2020, non bailable warrant was issued against him.

3.The learned counsel appearing for the petitioner would submit that the petitioner has regularly appeared before the committal court. However, the petitioner was unable to appear before the lower court as



he was affected by COVID-19. 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 06.03.2020, 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., 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 learned 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/-

07/10/2021

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,
EGMORE, CHENNAI

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI

3 THE INSPECTOR OF POLICE,
K-4, ANNA NAGAR POLICE STATION,
CHENNAI.



4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.T.V.G.KARTHEEBAN Advocate on payment of necessary
charges SR.No.11373

CRL OP.18884/2021

Date :07/10/2021

APN 26/10/2021