



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

Thursday, the Twenty First day of October Two Thousand Twenty One

WEB COPY

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI
CRIMINAL ORIGINAL PETITION No.19012 of 2021
IN C.C.No.11394 OF 2018

(ON THE FILE OF IX METROPOLITAN MAGISTRATE, SAIDAPET, CHENNAI-15)

1 P.JOSHUVA
2 JOSEPH DANIEL

[PETITIONERS / ACCUSED]

Vs

STATE REP BY
THE FOREST RANGE OFFICER,
HEAD QUARTERS RANGE,
VELACHERY, CHENNAI 600 042.
CR.NO. 14 OF 2018.

[RESPONDENT / COMPLAINANT]

For Petitioner : M/S. R.SANKARASUBBU Advocate

For Respondent : MR. A.GOPINATH, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 39(3) (a)(b), 48A, 49 r/w 51 of Wild Life Act 1972 in CC.No.11394 of 2018 on the file of the learned IX Metropolitan Magistrate, Saidapet, Chennai-15 seek anticipatory bail.

2.The case of the prosecution is that the petitioners are facing trial for the offence under Section Sections 39(3) (a)(b), 48A, 49 r/w 51 of Wild Life Act 1972 in C.C.No.11394 of 2018 on the file of the learned IX Metropolitan Magistrate, Saidapet, Chennai-15 and since they did not appear before the Court on 01.10.2021, non bailable warrant was issued against them.

3.The learned counsel appearing for the petitioners submits that since the petitioners suffered ill health, he could not appear before the lower Court and hence non bailable warrant was issued against them. However, their non appearance is neither wilful nor wanton.



4. The learned Government Advocate (Crl.Side) submits that since the petitioners did not appear before the Court on 01.10.2021, non bailable warrant was issued against them.

5. In view of the above position, this Court is of the opinion that the relief available to the petitioners are 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 them. Therefore, the question of granting anticipatory bail does not at all arise.

6. Considering the fact that non-bailable warrant is pending against the petitioners, the petitioners are directed to surrender before the trial Court i.e., learned IX Metropolitan Magistrate, Saidapet, Chennai-15 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 IX Metropolitan Magistrate, Saidapet, Chennai-15 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/-
21/10/2021

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 IX METROPOLITAN MAGISTRATE
SAIDAPET, CHENNAI-15.

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



3 THE FOREST RANGE OFFICER,
HEAD QUARTERS RANGE,
VELACHERY, CHENNAI 600 042.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

+1 CC to M/S. R.SANKARASUBBU Advocate on payment of necessary
charges SR.NO.11747

CRL OP.19012/2021

Date :21/10/2021

INBA-28/10/2021