



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Seventh day of October Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.20082 of 2021

IN S.C.NO.491 of 2016

(ON THE FILE OF THE ADDITIONAL DISTRICT SESSIONS JUDGE, FTC-III,
SALEM)

MUSTHAFA

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
KANNANKURICHI POLICE STATION,
CRIME NO.652/2009

[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 has filed this petition seeking anticipatory bail in S.C.No.491 of 2016 on the file of the Additional District Sessions Judge, Fast Track Court-III, Salem.

2. When the petitioner who is a daily wage earner was on bail in Crime No.652 of 2009 on the file of the respondent police, Kannankurichi Police Station did not appear before the trial court, the Additional District Sessions Judge, Fast Track-III, Salem had issued the NBW against the petitioner. Hence the present petition has been filed seeking anticipatory bail against the NBW issued by the trial court.



3. Considering the facts and circumstances of the case, due to non-appearance of the petitioner NBW was issued. However, the remedy available to the petitioner is to file a petition u/s 70(2) of Cr.P.C. However without filing such petition seeking an order of Anticipatory bail from the said court, is not maintainable. In view of the above observation, this petition is closed granting liberty to the petitioner to file appropriate petition u/s 70(2) Cr.P.C and on such petition being filed, the court below shall consider the same and pass appropriate orders in accordance with law.

-sd/-

27/10/2021

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 ADDITIONAL DISTRICT
SESSIONS JUDGE, FAST TRACK COURT-III, SALEM.

2 THE INSPECTOR OF POLICE,
KANNANKURICHI POLICE STATION.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.S.SENGKODI Advocate on payment of necessary charges
SR.NO.12107

CRL OP.20082/2021

Date :27/10/2021

RW 16/11/2021