



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

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

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.20220 of 2021

IN S.C.NO.111 of 2017

(PENDING ON THE FILE OF THE SUB-COURT, THITTAGUDI, CUDDALORE
DISTRICT)

A.SATHIYAMOORTHY

[PETITIONER / ACCUSED]

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
PENNADAM POLICE STATION,
CUDDALORE DISTRICT
(CRIME NO.243/2012)

[RESPONDENT]

For Petitioner : M/S.G.SARAVANAN Advocate

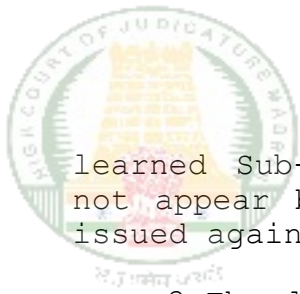
For Respondent : MR. C.E.PRATAP, Govt. Advocate (Crl. Side)

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 147, 148, 294(b), 341, 323, 324, 326, 307 r/w 149 of IPC in Crime No.243 of 2012 under Non-Bailable Warrant issued on 13.03.2018 in SC.No.111 of 2017 on the file of the learned learned Sub-Court, Thittagudi, Cuddalore District, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is facing trial for the offence under Section 147, 148, 294(b), 341, 323, 324, 326, 307 r/w 149 of IPC in SC.No.111 of 2017 on the file of the



learned Sub-Court, Thittagudi, Cuddalore District and since he did not appear before the Court on 13.03.2018, non bailable warrant was issued against him.

3.The learned counsel appearing for the petitioner would submit that the petitioner was not attending the court proceedings from the year of 2018 onwards as he was remained in abroad. 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 13.03.2018, 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., learned Sub-Court, Thittagudi, Cuddalore District 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 Sub-Court, Thittagudi, Cuddalore District 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/-

28/10/2021

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 AND
SESSIONS JUDGE, CHENGALPET.

2 THE SUB COURT,
THITTAGUDI, CUDDALORE DISTRICT.



3 THE INSPECTOR OF POLICE,
PENNADAM POLICE STATION,
CUDDALORE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.G.SARAVANAN
charges SR.NO.12034

Advocate on payment of necessary

CRL OP.20220/2021

Date :28/10/2021

RW 17/11/2021