



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Fifteenth day of November Two Thousand Twenty One

PRESENT

The Hon`ble Mrs Justice T.V.THAMILSELVI

CRIMINAL ORIGINAL PETITION No.21367 of 2021

S.C.NO.27 OF 2021

(ON THE FILE OF THE PRINCIPAL SUBORDINATE JUDGE, KANCHEEPURAM)

MOHAN

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
PEW KANCHEEPURAM POLICE STATION,
KANCHEEPURAM DISTRICT.
CR.NO.422 OF 2008.

[RESPONDENT]

For Petitioner : M/S. R.SASIKUMAR Advocate

For Respondent : M/S.N.S.SUGANTHAN, Govt. Advocate (Cr1. Side)

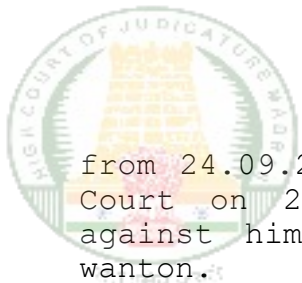
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

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 4(1) (aaa), 4(1-A) of TNP Act, r/w Section 6 and 11 of R.S. Rules 2000 under Non-Bailable Warrant issued on 24.09.2021 in SC.No.27 of 2021 on the file of the learned Principal Subordinate Judge, Kancheepuram, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is facing trial for the offence under Section 4(1) (aaa), 4(1-A) of TNP Act, r/w Section 6 and 11 of R.S. Rules 2000 in SC.No.27 of 2021 on the file of the learned Principal Subordinate Judge, Kancheepuram, and since he did not appear before the Court on 24.09.2021, non bailable warrant was issued against him.

3.The learned counsel appearing for the petitioner would submit that the petitioner was already arrested in Crime No.422 of 2008 for the offence under Section 4(1) (aaa), 4(1-A) of TNP Act, r/w Section 6 and 11 of R.S. Rules 2000 . He further submits that since he is admitted in the hospital and taking treatment for his Kidney problem



from 24.09.2021 till date, he could not appear before the concerned Court on 24.09.2021 and hence, non bailable warrant was issued against him. However, his non appearance is neither wilful nor wanton.

WEB COPY

4. The learned Government Advocate would submit that since the petitioner did not appear before the Court on 24.09.2021, 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., learned Principal Subordinate Judge, Kancheepuram 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 Principal Subordinate Judge, Kancheepuram 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/-
15/11/2021

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 PRINCIPAL SUBORDINATE JUDGE,
KANCHEEPURAM.

2 THE INSPECTOR OF POLICE,
PEW KANCHEEPURAM POLICE STATION,
KANCHEEPURAM DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. R.SASIKUMAR Advocate on payment of necessary charges SR.NO.12869

CRL OP.21367/2021

Date :15/11/2021