



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.21355 of 2021

S.C.NO.142 OF 2016

(ON THE FILE OF ADDITIONAL DISTRICT AND SESSIONS JUDGE, CHENGALPATTU)

SELVENDRAN

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
TAMBARAM POLICE STATION,
CHENNAI.
CR.NO.2622 OF 2014.

[RESPONDENT]

For Petitioner : M/S. R.SASIKUMAR Advocate

For Respondent : M/S.N.S.SUGANTHAN, 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 at the hands of the respondent police for the alleged offence under Sections 350, 380 and 302 of IPC r/w Section 34 of IPC under Non-Bailable Warrant issued on 26.10.2021 in SC.No.142 of 2016 on the file of the learned Additional District and Sessions Judge, Chengalpattu, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is facing trial for the offence under Sections 350, 380 and 302 of IPC r/w Section 34 of IPC in SC.No.142 of 2016 on the file of the learned Additional District and Sessions Judge, Chengalpattu, and since he did not appear before the Court on 26.10.2021, non bailable warrant was issued against him.

3.The learned counsel appearing for the petitioner would submit that the petitioner was already arrested for the offence under Sections 350, 380 and 302 of IPC r/w Section 34 of IPC. He further submits that he was not unable to appear before the trial court on the day he was inside in jail in some other crime number and also unable to contact his lawyer on 26.10.2021 and 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 26.10.2021, 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 Additional District and Sessions Judge, Chengalpattu 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 Additional District and Sessions Judge, Chengalpattu 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 ADDITIONAL DISTRICT
AND SESSIONS JUDGE, CHENGALPATTU.

2 THE INSPECTOR OF POLICE,
TAMBARAM POLICE STATION,
CHENNAI.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. R.SASIKUMAR Advocate on payment of necessary charges SR.NO.12870

CRL OP.21355/2021

Date :15/11/2021