



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2021

CORAM

THE HON'BLE MRS. JUSTICE T.V.THAMILSELVI

Crl.O.P.No.22892 of 2021

Doss @ Murugadoss

... Petitioner/A1

Vs.

State Rep. by
The Inspector of Police,
D.C.B. Police,
Thiruvarur.
Crime No.12 of 2001

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on bail in the event of his arrest in C.C. No.379 of 2003 on the file of the Judicial Magistrate Court, Thiruvarur.

For Petitioner : Mr.K.Thenrajan

For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl. Side)

ORDER

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 120(b), 420 and 34 of IPC and 3, 4, 5, 6 and 7 of the Tamilnadu Prize Scheme (PROHIBITION ACT) 1979 in C.C.No.379 of 2003, on the file of the Judicial Magistrate Court, Thiruvarur seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is facing trial for the offence under Sections 120(b), 420 and 34 of IPC and 3, 4, 5, 6 and 7 of the Tamilnadu Prize Scheme (PROHIBITION ACT) 1979 in C.C.No.379 of 2003, on the file of the Judicial Magistrate Court, Thiruvarur, and since he did not appear before the Court on 27.06.2016, non bailable warrant was issued against him.

3.The learned counsel appearing for the petitioner submits that since the petitioner suffered ill health, he could not appear before the concerned Court on 27.06.2016 and hence non bailable warrant was issued against him. However, his non appearance is neither wilful nor wanton.

4.The learned Additional Public Prosecutor submits that since the petitioner did not appear before the Court below on 27.06.2016, 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 Judicial Magistrate Court, Thiruvarur 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 Judicial Magistrate Court, Thiruvarur 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/-

30/11/2021

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 JUDICIAL MAGISTRATE,
THIRUVARUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR DISTRICT. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
D.C.B. POLICE, THIRUVARUR.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. K.THENRAJAN Advocate on payment of necessary
charges SR.NO.13823

CRL OP.22892/2021

Date :30/11/2021

RW 03/12/2021