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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.12.2021

CORAM

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

Cr1.O.P.No.23443 of 2021

1.S.Devaki ... Petitioners
2.S.Subulakshmi
3.R.Subetha @ Bakkiyalakshmi

Vs.

State Rep. by ... Respondent
The Inspector of Police,
Kallakurichi Police Station,
Kallakurichi District.
Crime No.12 of 2015.

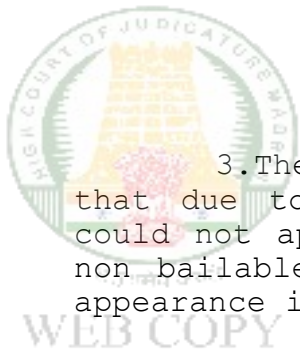
Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioners on bail in the event of their arrest in C.C. No.61 of 2021 in Crime No. 12 of 2015 on the file of the Judicial Magistrate No.I, Kallakurichi.

For Petitioners : Mr.T.Balachandran
For Respondent : Mr.N.S.Suganthan
Government Advocate (Cr1. Side)

ORDER

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 147, 148, 294(b), 323, 324, 506 (ii) of IPC, on the file of the Judicial Magistrate No.I, Kallakurichi.

2. The case of the prosecution is that the petitioners are facing trial for the offence under Sections 147, 148, 294 (b), 323, 324, 506 (ii) of IPC in C.C.No.61 of 2021, on the file of the Judicial Magistrate and since the petitioners did not appear before the Court on 25.10.2021, non bailable warrant was issued against them.



3.The learned counsel appearing for the petitioners submits that due to the personal inconvenience of the petitioners, they could not appear before the concerned Court on 25.10.2021 and hence non bailable warrant was issued against them. However, their non appearance is neither wilful nor wanton.

4.The learned Additional Public Prosecutor submits that since the petitioners did not appear before the Court below on 25.10.2021, non bailable warrant was issued against them.

5. In view of the above position, this Court is of the opinion that the relief available to the petitioners are 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 them. Therefore, the question of granting anticipatory bail does not at all arise.

6. Considering the fact that non-bailable warrant is pending against the petitioners, the petitioners are directed to surrender before the trial Court i.e., learned Judicial Magistrate Court No.1, Kallakurichi, Kallakurichi 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 Judicial Magistrate Court No.1, Kallakurichi, Kallakurichi District are 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/-

06/12/2021

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,
NO.I, KALLAKURICHI,

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



4 THE INSPECTOR OF POLICE,
KALLAKURICHI POLICE STATION,
KALLAKURICHI DISTRICT.

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+1 CC to M/S. T.BALACHANDRAN Advocate on payment of necessary
charges SR.NO.14133

CRL OP.23443/2021

Date :06/12/2021

TA-13/12/2021