



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.12.2021

CORAM:

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

Crl.O.P.No.23627 of 2021

Karthik

.. Petitioner

Vs.

State Rep.by
The Inspector of Police
CCB - I, Conventional Crime,
Vepary, Chennai - 7.
Crime No.212 of 2019

...Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on anticipatory bail in the event of his arrest by the respondent police pending traile in S.C.No. 104 of 2021 on the file of the learned XX Additional City Civil Judge, Chennai.

For Petitioner : Mr.G.Mageshkumar

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 294(b), 341, 323, 333, 307, 506 Part II r/w Section 34 of I.P.C. in S.C.No.104 of 2021 on the file of the learned XX Additional City Civil Judge, Chennai, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is facing trial for the offence under Section 294(b), 341, 323, 333, 307, 506 Part II r/w Section 34 of I.P.C in S.C.No. 104 of 02021 before the learned XX Additional City Civil Judge, Chennai, and since he did not appear before the Court on 24.11.2021, 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 lower Court 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 on 24.11.2021, 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 XX Additional City Civil Judge, Chennai, 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 XX Additional City Civil Judge, Chennai, 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/-

08/12/2021

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 XX ADDITIONALCITY CIVIL
JUDGE, CHENNAI

2 THE INSPECTOR OF POLICE,
CCB-1, CONVENTIONAL CRIME,
VEPERY, CHENNAI-7.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.G.MAGESHKUMAR Advocate on payment of necessary
charges Sr.14284

CRL OP.23627/2021

Date :08/12/2021

RVR 15/12/2021