



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2021

CORAM

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

Cr1.O.P.No.24573 of 2021

1. Palanisamy
2. Manikandan
3. Rengasamy

... Petitioners

Vs.

The Inspector of Police,
Mangalampet Police Station,
Mangalampet,
Virudhachalam Taluk,
Cuddalore District.

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioners on anticipatory bail in the event of their arrest in relation to Non bailable warrant dated 01.09.2021, 22.09.2021 respectively in Cr.No.246 of 2015 in C.C. No.12 of 2016 pending trial on the file of the Judicial Magistrate Court-II at Virudhachalam.

For Petitioners: Mr.G.Kadhiresan

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

ORDER

The petitioners who were apprehend arrest at the hands of the respondent police for the alleged offence under Sections 147, 148, 323, 324, 294(b), 506(ii) of IPC in Cr.No.246 of 2015 in C.C.No.12 of 2016, on the file of the Judicial Magistrate Court-II, Virudhachalam seeks anticipatory bail.

2. The case of the prosecution is that the petitioners are facing trial for the offence under 147, 148, 323, 324, 294(b), 506(ii) of IPC in Cr.No.246 of 2015 in C.C.No.12 of 2016, on the file of the Judicial Magistrate Court-II, Virudhachalam and since they did not appear before the Court on 22.09.2021 and 01.09.2021 respectively, non bailable warrants were issued against them.



3.The learned counsel appearing for the petitioners submits that the petitioners are coolie workers since Covid-19 lockdown announced, the petitioners went to Gujarat, they could not appear before the concerned Court on 22.09.2021 and 01.09.2021 respectively 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 22.09.2021 and 01.09.2021 respectively, 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 -II, Virudhachalam 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-II, Virudhachalam 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/-

16/12/2021

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.II, VIRUDHACHALAM.

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



3 THE INSPECTOR OF POLICE
MANGALAMPET POLICE STATION,
MANGALAMPET, VIRUDHACHALAM TK,
CUDDALORE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. G.KADHIRESAN Advocate on payment of necessary
charges SR.NO.15042

CRL OP.24573/2021

Date :16/12/2021

RW 28/12/2021