



Crl.O.P.Nos.4990, 4984, 5000, 5035 and 5037 of 2022

DR.G.JAYACHANDRAN

COMMON ORDER

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offence **under Sections 51, 63, 66 and 69 of the Copyright Act, 1957**, in C.C.Nos.3845, 1721 of 2015 and 5058, 5054 of 2016 and 148 of 2017 on the file learned XVIII Metropolitan Magistrate Court, Saidapet seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is facing trial for the offence **under Sections 51, 63, 66 and 69 of the Copyright Act, 1957**, in C.C.Nos.3845, 1721 of 2015 and 5058, 5054 of 2016 and 148 of 2017 on the file learned XVIII Metropolitan Magistrate Court, Saidapet and since the petitioners did not appear before the trial Court on 07.02.2020, non bailable warrant was issued against the petitioners.

3.The learned counsel appearing for the petitioners submits that since the petitioners personal inconvenience, they could not appear before the lower Court and hence non bailable warrant was issued. However, the petitioners non appearance is neither willful nor wanton.



4.The learned Government Advocate (Crl.Side) submits that since the petitioners did not appear before the Court on 07.02.2020, non bailable warrant was issued against them.

5.In view of the above facts, this Court is of the opinion that the relief available to the petitioners is to surrender before the learned XVIII Metropolitan Magistrate Court, Saidapet 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 petition for anticipatory bail before this Court cannot be entertained.

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 XVIII Metropolitan Magistrate Court, Saidapet 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 XVIII Metropolitan Magistrate Court, Saidapet is directed to consider the said petition on merits and pass orders on the same day.

7. Accordingly, this criminal original petition is dismissed.

03.03.2022

Sma/rgm

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To

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1. The XVIII Metropolitan Magistrate Court,
Saidapet.
2. The Inspector of Police,
J3 Guindy Police Station,
Guindy,
Chennai-32.
3. The Public Prosecutor,
High Court, Madras.



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DR.G.JAYACHANDRAN, J.

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