



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Third day of February Two Thousand Twenty Two

PRESENT

The Hon`ble Mrs Justice T.V.THAMILSELVI

CRIMINAL ORIGINAL PETITION No.487 of 2022

S.C.NO.168 OF 2017

(ON THE FILE OF THE III ADDITIONAL DISTRICT JUDGE, SALEM)

SELLA @ SELVAMANI

[PETITIONER / ACCUSED]

Vs

THE STATE OF TAMILNADU REP.BY

[RESPONDENT]

THE INSPECTOR OF POLICE,

VEERANAM POLICE STATION,

VEERANAM,

SALEM DISTRICT.

CRIME NO.NOT KNOWN OF 2021.

For Petitioner : M/S.K.SELVARAJ Advocate

For Respondent : MR.N.S.SUGANTHAN, Govt. Advocate (Crl. Side)

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 147, 148 and 302 of IPC, under Non-Bailable Warrant issued on 15.11.2021 in SC.No.168 of 2017 on the file of the learned III Additional District Judge, Salem, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is facing trial for the offence under Sections 147, 148 and 302 of IPC, in S.C.No.168 of 2017 on the file of the learned III Additional District Judge, Salem, and since he did not appear before the Court on 15.11.2021, non bailable warrant was issued against him.



3.The learned counsel appearing for the petitioner would submit that the petitioner was already arrested in S.C.No.168 of 2017 for the offence under Sections 147, 148 and 302 of IPC . He further submits that the petitioner is regularly attending all the hearing before the trial Court and he has absented only on 15.11.2021, and hence, non bailable warrant was issued against him. However, his non appearance is neither wilful nor wanton.

4.The learned Government Advocate would submit that since the petitioner did not appear before the Court on 15.11.2021, 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 III Additional District Judge, Salem 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 III Additional District Judge, Salem, 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/-
03/02/2022

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 III ADDITIONAL DISTRICT JUDGE,
SALEM.

2 THE INSPECTOR OF POLICE,
VEERANAM POLICE STATION,
VEERANAM,
SALEM DISTRICT.



3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.K.SELVARAJ Advocate on payment of necessary
charges SR.NO.1828

CRL OP.487/2022

Date :03/02/2022

TA-14/02/2022