



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Second day of February Two Thousand Twenty Two

PRESENT

The Hon`ble Mrs Justice T.V.THAMILSELVI

CRIMINAL ORIGINAL PETITION No.2284 of 2022

S.T.C.NO.216 OF 2017

(ON THE FILE OF FAST TRACT COURT, MAGISTRATE LEVEL NO.II AT

POONAMALLEE, THIRUVALLUR DISTRICT)

J.C.VASANTHAKUMAR

[PETITIONER / ACCUSED]

Vs

STATE REP BY THE
THE INSPECTOR OF POLICE
ST.THOMAS MOUNT POLICE STATION,
ST.THOMAS MOUNT,
CHENNAI-600 016.

[RESPONDENT]

For Petitioner : M/S.K.V.RAMESH Advocate

For Respondent : M/S.A.GOKULAKRISHNAN, Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 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 Section 138 of Negotiable Instrument Act and 420 of IPC under Non-Bailable Warrant issued by the Fast Track Court at Poonamalle, seeks anticipatory bail.

2.The learned counsel appearing for the petitioner would submit that on account of petitioner heart ailment and treatment, the petitioner filed a petitioner under section 205 Cr.P.C before the Trial Court seeking for the relief of exemption for his personal appearance, before the Trial Court. The application was turned downed by the Trial Court and a Bailable Warrant and further a Non-Bailable Warrant pending against the petitioner. He further submits that the petitioner is a Senior Citizen and moreover he was suffering from Heart Disease. Hence, he was unable to appear before the Trial Court and hence, non bailable warrant was issued against him. However, his non appearance is neither wilful nor wanton.



3. The learned Additional Public Prosecutor would submit that since the petitioner did not appear before the Court, a non-bailable warrant was issued against him.

4. 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.

5. Considering the fact that a non-bailable warrant is pending against the petitioner, the petitioner is directed to surrender before the trial Court i.e., learned Fast Track Court at Poonamallee 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 Fast Track Court at Poonamallee is directed to consider the said petition on merits and pass orders on the same day.

6. Accordingly, this criminal original petition is disposed of.

-sd/-

02/02/2022

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 FAST TRACK COURT,
MAGISTRATE LEVEL NO.II AT POONAMALLEE,
THIRUVALLUR DISTRICT.

2 THE INSPECTOR OF POLICE
ST.THOMAS MOUNT POLICE STATION,
ST.THOMAS MOUNT,
CHENNAI-600 016.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.K.V.RAMESH Advocate on payment of necessary charges

CRL OP.2284/2022

Date :02/02/2022

TA-14/02/2022