



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the First day of April Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.7526 of 2022

IN S.C.NO.30 of 2012

(on the file of Additional District Judge At Chengalpattu)

1 MURUGAN
2 MATHIPRAKASH

[PETITIONERS / ACCUSED]

Vs

THE INSPECTOR OF POLICE
MARAMALAI NAGAR POLICE STATION,
KANCHEEPURAM DISTRICT.
CRIME NO.31 OF 2011.

[RESPONDENT]

For Petitioner : M/S.M.MACHAVATHARAN Advocate

For Respondent : M/S.S.SANTHOSH, Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Section 302 of IPC, in Crime No.31 of 2011 seek anticipatory bail.

2. The petitioner herein, who is an accused in SC.No.30 of 2012 on the file of the Additional District Judge, Chengalpattu, failed to attend the trial, hence, Nonailable Warrant was issued by the Trial Court on 24.07.2017. Instead of standing before the Trial Court to recall the warrant issued by invoking under Section 70(2) of Cr.P.C., the petitioner herein has filed the anticipatory bail under Section 438 of Cr.P.C.



3. This Court is of the view that this petition is not maintainable for the reason stated above, however, it is open to the petitioner to surrender before the Trial Court 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 Additional District Judge, Chengalpattu, is directed to consider the said petition on merits and pass orders on the same day.

4. Accordingly, this criminal original petition is dismissed.

-sd/-

01/04/2022

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 ADDITIONAL DISTRICT
JUDGE, CHENGALPATTU.

2 THE INSPECTOR OF POLICE
MARAMALAI NAGAR POLICE STATION,
KANCHEEPURAM DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.M.MACHAVATHARAN Advocate on payment of necessary charges SR.NO. 5052

CRL OP.7526/2022

Date :01/04/2022

RW 06/04/2022