



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.7606 of 2022

IN S.C.NO.400 of 2016

(ON THE FILE OF THE ADDITIONAL DISTRICT JUDGE NO.III, SALEM)

MARI @ BOOPALAN

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
KANNANKURICHI POLICE STATION,
SALEM DISTRICT.
(CRIME NO 194 OF 2016)

[RESPONDENT]

For Petitioner : M/S.R.SASIKUMAR 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 petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 147, 148, 294(b), 506(ii) of IPC r/w Section 3(1) of TNPPDL Act, in Crime No.194 of 2016 seeks anticipatory bail.

2. The petitioner herein is an accused in SC.No.400 of 2016 on the file of the Additional District Judge No.III, Salem, failed to attend the trial. Hence, Non Bailable Warrant was issued by the Trial Court on 31.01.2019. 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 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 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 No.III, Salem, 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, NO.III, SALEM.

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

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.R.SASIKUMAR Advocate on payment of necessary charges
SR.NO. 4993

CRL OP.7606/2022

Date :01/04/2022

RW 08/04/2022