



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Eighth day of April Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.8144 of 2022

IN

S.C.NO.177 of 2018

(On the file of the VIII Additional District and Sessions Judge cum
Special Court for trial of offences against Women, RJVM, East
Godavari, Andhra pradesh)

1 SHEIK JAHIR ZAFFARULLAH [PETITIONERS / ACCUSED 1 TO 3]
2 PATANATHU SHEIK ZAFFARULLAH
3 JAHANOR BEGUM

Vs

1 STATE OF ANDHRA PRADESH [RESPONDENT]
REP BY THE INSPECTOR OF POLICE,
AMALAPURAM TOWN POLICE STATION,
EAST GODAVARI, ANDHRA PRADESH.

2 STATE OF TAMILNADU
REP BY THE INSPECTOR OF POLICE,
ROYAPETTAH POLICE STATION,
ROYAPETTAH, CHENNAI 600014.

For Petitioner : M/S.K.ELANGO VAN Advocate

For Respondent : MR.S.SANTHOSH, Govt. Advocate (CrI. Side)

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest for the alleged offences under Sections 417, 354(A), 354(C), 354(d), 384, 506(ii), 448, 427, 323, 365 r/w 511, 326-B of IPC and 67, 68 of IT Act, r/w.147 & 148 of IPC, in Crime No.338 of 2017 on the file of the respondent police, seek anticipatory bail.



2. The petitioners herein are all accused in SC.No.177 of 2018 pending trial on the file of the VIII Additional District and Sessions Judge-cum-Special Court for trial of offences against Women, RJVM, East Godavari, Andhra Pradesh. From the petition, this Court understands that case is pending for trial against these petitioners before the Special Court, East Godavari, and for his non-appearance NBW has been issued on 17.03.2020. While, NBW was issued by the Competent Court for his non-appearance, the present petition is filed seeking interim bail which is pending trial in the other states.

3. This Court is of the view, that when the Competent Court has issued Non Bailable Warrant under Section 70 of Cr.P.C., the present accused against whom, NBW issued has to appear before that Court and file a petition under Section 70(2) of Cr.P.C. to recall NBW by explaining reasons for his non-appearance. Instead of filing petition to recall warrant before the Court which has issued NBW, the petition for anticipatory bail before this Court is filed. The conduct of the petitioner in attending the trial and his co-operation for the trial will be known only to the trial Court, which has issued Non Bailable Warrant for his non-appearance. That Court is empowered to recall the warrant if sufficient reasons provided.

4. Therefore, this Criminal Original petition seeking interstate anticipatory bail is dismissed.

-sd/-

08/04/2022

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 VIII ADDITIONAL DISTRICT AND SESSIONS JUDGE
CUM SPECIAL COURT FOR TRIAL OF OFFENCES AGAINST WOMEN,
RJVM, EAST GODAVARI, ANDHRA PRADESH.

2 THE INSPECTOR OF POLICE,
AMALAPURAM TOWN POLICE STATION
EAST GODAVARI, ANDHRA PRADESH.



3 THE INSPECTOR OF POLICE,
ROYAPETTAH POLICE STATION,
ROYAPETTAH, CHENNAI 600014.

WEB COPY

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.K.ELANGO VAN Advocate on payment of necessary charges

CRL OP.8144/2022

Date :08/04/2022

CSK 20/04/2022