



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.8248 of 2022

HAJA ALAVUDEEN

[PETITIONER / ACCUSED]

Vs

1 STATE REP BY
THE INSPECTOR OF POLICE,
NAMAKKAL TOWN POLICE STATION,
NAMAKKAL.

[RESPONDENT]

2 R.CHANDRASEKARAN

[RESPONDENT/COMPLAINANT

For Petitioner : M/S. S.NATARAJAN 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 petitioner herein, who apprehend arrest for non appearance before the trial Court in a case arisen out of Section 138 of Negotiable Instruments Act, is before this Court seeking anticipatory bail.

2. The petitioner herein, who is an accused in C.C.No.625 of 2021 on the file of the Judicial Magistrate No.II, Namakkal, failed to attend the trial. Hence, Non Bailable Warrant was issued by the Trial Court on 25.03.2022. Instead of appearing before the Trial Court to recall the warrant issued by invoking Section 70(2) of Cr.P.C., the petitioner here 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 Judicial Magistrate No.II, Namakkal, is directed to consider the said petition on merits and pass orders on the same day.



4. Accordingly, this Criminal Original Petition is dismissed.

WEB COPY

-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 JUDICIAL MAGISTRATE
NO.II, NAMAKKAL.

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
NAMAKKAL TOWN POLICE STATION,
NAMAKKAL, NAMAKKAL DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S. S.NATARAJAN Advocate on payment of necessary
charges SR.No.5444

CRL OP.8248/2022

Date :08/04/2022

CSK 13/04/2022