



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Eighteenth day of April Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.8651 of 2022

VIGNESH @ APPAS

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
KALLAKURICHI POLICE STATION,
KALLAKURICHI DISTRICT
(CRIME NO.1929/2020)

[RESPONDENT]

For Petitioner : NO APPEARANCE 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 herein, who apprehends arrest for non appearance before the trial Court in a case arisen out of Sections 294(b), 323, 506(i) of IPC and 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.1929 of 2020, is before this Court seeking anticipatory bail.

2. The learned Government Advocate (crl.side) for the respondent submits that a case has been registered against this petitioner for offences under Sections 294(b), 323, 506(i) of IPC and 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 and the petitioner is absconding all along. Hence the absconding charge sheet has been filed against him. The Court has taken the final report on file and assigned C.C.No.96 of 2021. Since the petitioner is absconding, Non Bailable Warrant was issued by the Trial Court and the same is pending.



3. This Court is of the view that this petition is not maintainable for the reason that 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.. However, it is open to the petitioner to surrender before the Trial Court, where the NBW was issued for his non appearance and work out his remedy before the trial Court.

4. Accordingly, this Criminal Original Petition is dismissed.

-sd/-

18/04/2022

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 INSPECTOR OF POLICE,
KALLAKURICHI POLICE STATION,
KALLAKURICHI DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S B.M.SANTHARAM Advocate on payment of necessary charges

CRL OP.8651/2022

Date :18/04/2022

RW 22/04/2022