



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty Fourth day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.14321 of 2022

ANAND

[PETITIONER / ACCUSED]

Vs

STATE BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
KILPENNATHUR POLICE STATION,
THIRUVANNAMALAI DISTRICT.
CRIME NO.129 OF 2021.

For Petitioner : M/S.S.SILAMBU SELVAN Advocate

For Respondent : M/S.A.DAMODARAN, Additional Public Prosecutor

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 offences punishable under Sections 363, 366, 376(2)(n) of IPC read with Section 5(1), 6 of POCSO Act, 2012, in Crime No.129 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that, the trial Court issued Non-bailable warrant as against the petitioner on 26.05.2022. Hence, the petitioner filed this present petition.

3. The learned counsel appearing for the petitioner would submit that on 26.05.2022, due to illness, the petitioner was not able to appear before the learned Judicial Magistrate and hence, non bailable warrant has been issued against the petitioner. He would further submit that the said absence is neither willful nor wanton and he undertakes that the petitioner shall appear before the Court below regularly on all future hearing dates without fail.



4. The learned Additional Public Prosecutor would submit that the non bailable warrant has been issued against the petitioner on 26.05.2022 and the same is pending.

WEB COPY

5. Considering the undertaking given by the learned counsel for the petitioner, the petitioner is directed to appear before the learned Special Court for Exclusive Trial of Cases under POCSO Act, Tiruvannamalai within a period of two weeks from today and to file a petition to recall NBW already issued against him. On filing of such petition, the concerned learned Judicial Magistrate is directed to consider the same on merits and pass orders on the same day.

6. It is made clear that while considering the petition to recall, the Court below shall bear in mind about the period of Non Bailable Warrant and any crime committed while pending Non Bailable Warrant. Mere direction issued by this Court to consider the application on the same day does not amount to direction to consider the recall petition favourably.

7. This criminal original petition is disposed of accordingly.

-sd/-

24/06/2022

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 SPECIAL COURT FOR
EXCLUSIVE TRIAL OF CASES UNDER POCSO ACT,
THIRUVANNAMALAI.

2 THE INSPECTOR OF POLICE,
KILPENNATHUR POLICE STATION,
THIRUVANNAMALAI DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.S.SILAMBU SELVAN Advocate on payment of necessary charges SR.NO. 9973

CRL OP.14321/2022

Date :24/06/2022

RW-30/06/2022