



CrI.O.P.No.3250 of 2023

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T.V.THAMILSELVI, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 468, 471 & 420 of IPC r/w. 4(1)(aa) of Tamil Nadu Prohibition Act in Cr.No.571/2011 under Non-Bailable Warrant issued in C.C.No.200/2014 on the file of the learned Judicial Magistrate No.I, Kallakurichi, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is facing trial for the offence under Sections 468, 471 & 420 of IPC r/w. 4(1)(aa) of Tamil Nadu Prohibition Act in C.C.No.200/2014 on the file of the learned Judicial Magistrate No.I, Kallakurichi and since he did not appear before the Court, non bailable warrant was issued against him.

3. Learned counsel appearing for the petitioner would submit that, the petitioner was not aware of the fact that he was added as an accused and a final report was filed before the trial Court in C.C.No.200 of 2014. When he came to know that the respondent police was searching for the petitioner, he



prepared to attend the court, however, prior to that non bailable warrant was issued against him. However, his non appearance is neither wilful nor wanton. He further submitted that, the petitioner is ready to surrender before the trial Court and execute the sureties and also co-operate for the speedy disposal of the trial. Therefore, he prays for grant of bail to the petitioner.

4. Learned Government Advocate would submit that since the petitioner did not appear before the Trial Court, non bailable warrant was issued against him. He would submit that the option available for the petitioner is to surrender before the concerned Court and file an application for recalling the warrant. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. Heard the learned counsel for the petitioner as well as the learned Government Advocate (crl.side) for the respondent and perused the entire materials available on record.

6. In view of the above position, this Court is of the opinion that the relief available to the petitioner is to surrender before the learned Magistrate concerned and to file a petition under Section 70(2) of Cr.P.C. to recall the



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Non Bailable Warrant of Arrest issued against him. Therefore, the question of granting anticipatory bail does not at all arise.

7. Considering the fact that non-bailable warrant is pending against the petitioner, the petitioner is directed to surrender before the trial Court i.e., learned Judicial Magistrate No.I, Kallakurichi 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.I, Kallakurichi is directed to consider the said petition on merits and pass orders on the same day.

8. Accordingly, this criminal original petition is disposed of.

14.02.2023

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