



Crl.O.P.No.4132 of 2023

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T.V.THAMILSELVI,J.

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 420, 465, 468, 471 of IPC under Non-Bailable Warrant issued in C.C.No.42 of 2020 on the file of the learned Judicial Magistrate, Sathyamangalam, seek anticipatory bail.

2.The case of the prosecution is that the petitioners are facing trial for the offence under Sections 420, 465, 468, 471 of IPC in C.C.No.42 of 2020 on the file of the learned Judicial Magistrate, Sathyamangalam and since they did not appear before the Trial Court, non bailable warrant was issued against them.

3.The learned counsel appearing for the petitioners would submit that due to non appearance of the petitioners before the Trial Court, non bailable warrant was issued against them. However, their non appearance is neither wilful nor wanton. He further submitted that, the petitioners are ready to surrender before the trial Court and execute the sureties and also



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co-operate for the speedy disposal of the trial. Therefore, he prays for grant of bail to the petitioners.

4.The learned Government Advocate (CrI.Side) would submit that since the petitioners did not appear before the Trial Court, non bailable warrant was issued against them. He would submit that the option available for the petitioners 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 petitioners.

5.Heard the learned counsel for the petitioners as well as the learned Government Advocate (CrI.Side) for the respondent police 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 petitioners is to surrender before the learned Magistrate concerned and to file a petition under Section 70(2) of Cr.P.C. to recall the Non Bailable Warrant of Arrest issued against them. Therefore, the question of granting anticipatory bail does not at all arise.



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7.Considering the fact that non-bailable warrant is pending against the petitioners, the petitioners are directed to surrender before the trial Court i.e., learned Judicial Magistrate, Sathyamangalam 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, Sathyamangalam 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.

24.02.2023

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