



WEB COPY A.D.JAGADISH CHANDIRA,J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 341, 302 r/w Section 34, 120(b) IPC under Non-Bailable Warrant issued on 01.09.2022 in SC.No.274 of 2008 on the file of the learned Additional District and Sessions Judge, Mayiladuthurai, seeks anticipatory bail.

2.Learned counsel for the petitioner would submit that the petitioner was regularly appearing before the Court below and he unable to appear on 01.09.2022 and hence, non bailable warrant was issued against him. However, his non appearance is neither wilful nor wanton.

3.The learned Government Advocate (Crl.Side) would submit that since the petitioner did not appear before the Court on 01.09.2022, non bailable warrant was issued against him.

4.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 District



WEB COPY



A.D.JAGADISH CHANDIRA,J.

Anu

and Sessions Judge concerned and to file a petition under Section 70(2) of Cr.P.C. to recall the Non Bailable Warrant of Arrest issued against him. Therefore, the question of granting anticipatory bail does not at all arise.

5. Considering the fact that non-bailable warrant is pending against the petitioner, the petitioner is directed to surrender before the trial Court i.e., the learned Additional District and Sessions Judge, Mayiladuthurai 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 District and Sessions Judge, is directed to consider the said petition on merits and pass orders on the same day.

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

28.06.2023

Anu

CrI.O.P.No.13779 of 2023