



Crl.O.P.No.14114 of 2023

A.D.JAGADISH CHANDIRA,J.

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The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 120-B, 449, 302 r/w Section 109 IPC in Cr.No.528 of 2018 under Non-Bailable Warrant issued on 27.04.2023 in SC.No.20 of 2019 on the file of the learned Additional District Judge, Fast Track Court, Villupuram, seeks anticipatory bail.

2.Learned counsel for the petitioner would submit that the petitioner was regularly appearing before the Court below and he was unable to appear on 27.04.2023 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 below on 27.04.2023, 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

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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 Court below i.e., the learned Additional District Judge, Fast Track Court, Villupuram 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 Judge concerned 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.

27.06.2023

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