

CrI.O.P.No.23192 of 2016N.AUTHINATHAN, J

The petitioner is arrayed as an accused and he apprehends arrest at the hands of the respondent police for the alleged offence punishable under Section 326(A) I.P.C., in S.C.No.259 of 2015 on the file of the learned Mahila Court, Salem, Salem District and hence, seeks anticipatory bail.

2. The learned counsel for the petitioner would submit that a case has been registered against the petitioner under Section 326(A) of I.P.C. He would further submit that after completion of investigation, the respondent police filed final report before the learned Mahila Court, Salem, Salem District and the same was taken on file in S.C.No.259 of 2015 and issued summon to the petitioner. On receipt of summons, the petitioner was unable to appear before the court concerned on 29.09.2016. Due to non-appearance of the petitioner, a non-bailable warrant was issued against the petitioner and hence, he prays for anticipatory bail.

3. The Government Advocate (Criminal Side) would submit that because of the non-appearance of the petitioner, the case is pending for the past one year and the next date of hearing is said to be on 19.10.2016 and hence, he prays for dismissal of this application.

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ssd

4. I have considered the rival submissions made by both sides.

5. Considering the facts and circumstances of this case and also considering the fact that due to the non-appearance for the petitioner, a non-bailable warrant was issued against the petitioner, I am not inclined to grant anticipatory bail to the petitioner. However, I am inclined to direct the petitioner to surrender before the learned Mahila Court, Salem, Salem District and to file a warrant recall petition before the learned Mahila Court, Salem, Salem District and in the event of filing such an application, the learned Mahila Court is directed to consider the same and pass orders on merits and in accordance with law.

With the above direction, the petition is disposed of.

14.10.2016

ssd/mk

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