

**Crl.O.P.No.5310 of 2016****R.MALA, J.**

The petitioner, who is arrayed as A-5, apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 148, 149, 324 and 307 of I.P.C., in P.R.C.No.11 of 2014 on the file of the learned Judicial Magistrate No.II, Nagappattinam and hence, seeks anticipatory bail.

2.The case of the prosecution is that during the course of trial, the petitioner did not appear and hence, Non-Bailable Warrant was issued against him.

3.The learned counsel appearing for the petitioner would submit that the petitioner had been regularly appearing before the Trial Court, due to illness on 10.06.2014, he was not able to appear before the Trial Court and therefore, Non-Bailable Warrant was issued against him. It is further submitted that the petitioner is ready to appear before the Trial Court for all future hearings.

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4.The learned Government Advocate (criminal side) would submit that the case is registered in Crime No.20 of 2000 and after investigation, charge sheet has been filed as P.R.C.No.28 of 2000, because of the non-appearance of this petitioner, the case was spilt up and now P.R.C.No.11 of 2014 is assigned, in which, Non-Bailable Warrant has been issued against the petitioner on 30.05.2014 and it is pending for more than 1½ years and hence, he prays for dismissal of this application.

5.Considering the rival submissions made by both sides and also considering the fact that non-appearance of this petitioner the case has been spilt up and Non-Bailable Warrant was issued on 30.05.2014 and hence, I am not inclined to grant anticipatory bail to the petitioner. However, the Trial Court is directed to recall the warrant pending in P.R.C.No.11 of 2014 against the petitioner.

6.With the above direction, this Criminal Original Petition is disposed of.

sri

11.03.2016

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