



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.11.2016

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

Crl.O.P. (MD).NO.21483 of 2016

1.G.Mohammed Thasin

2.A.Anwar Bismi

.. Petitioners

Versus

State through
Additional Superintendent of Police,
Speial Investigation Division,
CBCID, Madurai.

.. Respondent

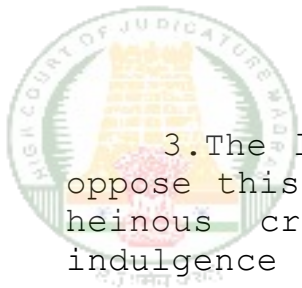
PRAYER: This Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to set aside the Non Bailable Warrant passed in C.C.No. 7 of 2014 dated 03.11.2016 by the learned Special Court under the National Investigation Agency Act, 2008 (Sessions Court for Exclusive Trial of Bomb Blast Cases) Chennai @ Poonthamally, Chennai within the time stipulated by this Court.

For Petitioners : Mr.T.Lajapathi Roy
For Respondent : Mr.P.Kannithevan
Government Advocate (Crl.side)

O R D E R

This application is filed to set aside the Non Bailable Warrant passed in C.C.No.7 of 2014 dated 03.11.2016 by the learned Special Court under the National Investigation Agency Act, 2008 (Sessions Court for Exclusive Trial of Bomb Blast Cases) Chennai @ Poonthamally, Chennai within the time stipulated by this Court.

2.Mr.T.Lajapathi Roy, learned counsel for the petitioners would submit that the petitioners were granted bail by this court in Crl.O.P(MD)No.3432 and 3433 of 2014 on 25.07.2014 and subsequently, they were regularly appearing before the trial court and on 03.11.2016, they filed a petition under Section 317 Cr.P.C through an advocate, to condone their absence, however, the learned Judge dismissed the petition and also issued a Non-Bailable Warrant. It is further submitted that the petitioners are ready to surrender before the trial court and their bail application can be considered on the same day.



3.The learned Government Advocate (Crl. side) would vehemently oppose this petition stating that the petitioners are involved in a heinous crime and therefore, they are not entitled for any indulgence of this court.

4.Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Criminal Side) appearing for the State and also perused the materials available on record.

5.However, considering the facts and circumstances of the case, the petitioners are directed to surrender before the trial court and file a **(*) WARRANT RECALL APPLICATION, ON FILING OF WARRANT RECALL APPLICATION,** the trial court is directed to consider the said petition and pass orders, on the same day on merits and in accordance with law.

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

SD

ASST REGISTRAR (CRL SIDE)

(*)AMENDED AS PER ORDER OF THIS COURT

DATD 16/11/2016.

SD

ASST REGISTRAR (CRL SIDE)

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SUB ASST REGISTRAR(C.S)

CM

To

SUBSTITUTED TO BE ALREADY DESPATCHED ON 15/11/2016

1.The Presiding Judge,
Special Court for Exclusive trial of bomb Blast cases,
Poonthamalli, Chennai 56.

2.Additional Superintendent of Police,
Speial Investigation Division,
CBCID, Madurai.

3.The Additional Public Prosecutor,
Madurai Bench of the Madras High Court, Madurai.

3CC TO MR. T.LAJAPATHI ROY, ADVOCATE SR: 68298, 68779 & 69466.

MSM SK SKN SAR 3

<https://www.hcscs.org.in/hcscs/>

Crl.O.P. (MD) .NO.21483 of 2016

14.11.2016

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