

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.44739 of 2016

ORDER:

1. This writ petition is filed by the petitioners under Article 226 of the Constitution of India seeking to quash the proceedings against them in Crime No.181 of 2014 on the file of the 2nd respondent.

2. Heard and perused the material available on record.

3. When this matter has come up for hearing, the learned Counsel for the petitioners submitted that the petitioners obtained bail in the above crime and furnished sureties before the Magistrate concerned and subsequently, the sureties furnished by the petitioners were found fake, and then, on the directions of the Magistrate concerned, another FIR was registered against petitioners and the fake sureties, and due to fear of arrest in that crime, the petitioners did not appear before the Magistrate concerned to furnish fresh sureties. On that, the Magistrate concerned issued NBWs against the petitioners. While submitting so, the learned Counsel prayed for recalling NBWs issued against the petitioners in present crime viz., Crime No.181 of 2014.

4. In view of the above submissions, this Court is inclined to pass the following order:

“The petitioners are directed to surrender before the Magistrate concerned, and file an application seeking to recall NBWs issued against them. On such surrender and on such application being filed, the Magistrate concerned is directed to recall NBWs issued against the petitioners on the same day and release them on each of them executing a personal bond for a sum of Rs.5,000/- (Rupees Five Thousand only) with one surety

each for the like sum each to the satisfaction of the Magistrate concerned.”

5. With the above direction, the Writ Petition is disposed of. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

RAJA ELANGO, J

Date: 21st December, 2016
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Date: 21st December, 2016

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