

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Nineteenth day of June Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL ORIGINAL PETITION No.15735 of 2018

IN

SC.NO.3 OF 2010

(On the file of the learned Additional District Sessions Judge,
Chengalpet)

GUNA @ GUNASEKARAN

[PETITIONER / ACCUSED]

Vs

STATE REP. BY

[RESPONDENT]

INSPECTOR OF POLICE,
GUDUVANCHERRY POLICE STATION,
KANCHEEPURAM DISTRICT,
CR.NO. 470 OF 2009

For Petitioner : M/S.A.SARAVANAN Advocate

For Respondent : MR.C.IYYAPPARAJ, ADDITIONAL PUBLIC PROSECUTOR

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner seeks anticipatory bail pursuant to the Non Bailable Warrant issued against him in S.C.No.3 of 2010, dated 21.09.2017 pending committal on the file of the learned Additional District Session Judge, Chengalpet. The case is pending trial for offences under Sections 147, 148, 334, 302 of IPC r/w. 3 and 5 Indian Explosive Act and 3(i) TNPPDL Act.

2. The learned counsel for the petitioner would submit that the petitioner has been regularly appearing before the learned Additional District Session Judge, Chengalpet. While so for his absence on 21.09.2017 Non Bailable Warrant has been issued against him and is pending. He would submit that the petitioner is prepared to abide by the conditions imposed by this Court.

3. The learned Additional Public Prosecutor would submit that the accused prior to issuance of Non Bailable Warrant was appearing before the learned Additional District Session on all the date of hearings and when the matter was posted on 21.09.2017, he did not appear thereby the Court had issued NBW against him and that the petitioner is evading arrest for the past 1 year and because of his

absence the trial court is unable to proceed with the trial.

4. In view of the above position, the remedy available to the petitioner is by filing petition for recalling Non-bailable Warrant before the appropriate Court. Hence, the petitioner is directed to surrender before the trial Court viz., learned Additional District Session Judge, Chengalpet and file a petition U/s.70(2) of Cr.P.C. to recall the Non Bailable Warrant issued against him. On filing of such petition, the learned Additional District Session Judge, Chengalpet is directed to consider the said petition on merits and pass orders on the the same day.

This petition is disposed of accordingly.

-sd/-
19/06/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE ADDITIONAL DISTRICT AND
SESSIONS JUDGE, CHENGALPET.

2 .
THE INSPECTOR OF POLICE, GUDUVANCHERRY
POLICE STATION, KANCHEEPURAM DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.A.SARAVANAN Advocate on payment of necessary
charges in SR.NO. 11109

CRL OP.15735/2018

Date :19/06/2018

MLT-22/06/2018