

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Nineteenth day of March Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.6405 of 2020

1 SURESH @ SURESH KUMAR [PETITIONERS / ACCUSED]
2 SEVVANTHU

Vs

STATE REP. BY [RESPONDENT]
THE INSPECTOR OF POLICE,
PEW KANGEYAM UNIT,
DHARAPURAM,
TIRUPUR DISTRICT.
(CRIME NO.717/2013).

For Petitioner : M/S. NA.MANIMARAN Advocate

For Respondent : M/S.S.THANKIRA, Govt. Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

This Criminal Original Petition has been filed seeking to grant anticipatory bail by the petitioners, who are A1 and A8 in a criminal case registered in Crime No.717 of 2013 for the offence punishable under Sections 4(1)(aaa), r/w 4 (1-A) TNP Act and 5,6,7 of TNRS Rules 2000 and 420, 468, 471 I.P.C.

2. The criminal case was registered in the year 2013, and now the case is pending for trial in S.C. 99 of 2018 on the file of III Addl. District and Sessions Judge, Dharapuram, Tirupur.

3. According to the petitioners, when the above case is posted for trial on 02.03.2020, the petitioners could not appear before the Trial Court, and they have filed a petition under Sec.317 of CrI.P.C., however, the same was dismissed by the Trial Court and issued non-bailable warrant. In pursuant to the non-bailable warrant, the petitioners are apprehending arrest at the hands of respondent police. Hence, the present anticipatory bail petition has been filed.

4. The learned Public Prosecutor, on instructions, would submit that, the matter is pending from the year 2018, and the petitioners are very irregular in appearing before the Trial Court, and filed a petition under Sec.317 of CrI.P.C. In the above circumstances, the said petition came to be dismissed, and non-bailable warrant was issued.

5. Considering the fact that, against the non-bailable warrant, the petitioners cannot maintain an anticipatory bail. However, considering the facts and circumstances, the petitioners are directed to appear before the Trial Court on the next hearing date i.e. on 20.04.2020, and to file a petition to recall the warrant along with an undertaking affidavit that, they will not be absent for trial in future hearing dates. On filing such petition, the learned Trial Court is directed to recall the warrant. Accordingly, this Criminal Original Petition stands disposed of.

-sd/-
19/03/2020

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 III ADDITIONAL DISTRICT
AND SESSIONS JUDGE, DHARAPURAM.

2 THE INSPECTOR OF POLICE,
PEW KANGAYAM UNIT,
DHARAPURAM,
TIRUPUR DISTRICT..

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. NA.MANIMARAN Advocate on payment of necessary
charges SR.NO.5557

CRL OP.6405/2020

Date :19/03/2020

TA-22/05/2020