

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.07.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.6886 of 2020

Heerachand Surana - Male - Age 52 years,

S/o.Late. Vijayraj Surana,

No.10, Anandan Street,

Near North Usman Roadm

T,Nagar, Chennai - 600 017.

.... Petitioner/Accused

Vs.

The Union Territory of Puducherry represented by,

The Station House Officer,

Katterikuppam Police Station,

Puducherry.

Cr.No.70 of 2006

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on anticipatory bail in the event of his arrest by the respondent police in C.C.No.871 of 2016 on the file of the learned Judicial Magistrate No. IV, Puducherry.

For Petitioner : Mr.V.S.Senthil Kumar

For Respondent : Mr.Balamurugane

Public Prosecutor(Puducherry)

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Section 379 of IPC, in Crime No. 70 of 2006, on the file of the respondent police, seeks anticipatory bail.

2 The learned counsel appearing for the petitioner would submit that the petitioner apprehending arrest on the hands of the respondent police pursuant to the Non Bailable Warrant issued in C.C.No. 871 of 2016, on 07.06.2020 by the learned Judicial Magistrate No.IV, Puducherry. He would submit that originally the case was pending before the Judicial Magistrate No.I, Puducherry and later, it was transferred to the file of the Judicial Magistrate No. IV, Pududherry. He would submit that there was a miscommunication between the petitioner and his counsel and therefore, he was unable to appear before the court and thereby the petitioner did not appear

before the Court following which, the learned Magistrate has issued Non Bailable Warrant against the petitioner. The learned counsel would further submit that the petitioner is prepared to surrender before the concerned Court for recalling the warrant in accordance with law and a direction may be issued to the learned Magistrate concerned to take the application and pass orders on merits on the same day. He would submit that the case stand posted to 13.08.2020.

3 In view of the submissions made by the learned counsel, that an non bailable warrant is pending, the petitioner is at liberty to surrender before the learned Judicial Magistrate No.IV, Puducherry on or before 13.08.2020 and file a petition to recall the non bailable warrant in accordance with law and it shall be considered by the learned Magistrate on its own merits on the same day of surrender.

4 With the above direction, the petition stands dismissed.

-sd/-

31/07/2020

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 JUDICIAL MAGISTRATE,
NO.I, PONDICHERRY.

2 THE JUDICIAL MAGISTRATE,
NO.IV, PONDICHERRY.

3 THE CHIEF JUDICIAL MAGISTRATE
PONDICHERRY. [FOR INFORMATION]

5 THE UNION TERRITORY OF PUDUCHERRY REP BY, THE STATION HOUSE OFFICER,
KATTERIKUPPAM POLICE STATION, PUDUCHERRY,

6 THE PUBLIC PROSECUTOR
PUDUCHERRY.

CC to M/S. V.S.SENTHILKUMAR Advocate on payment of necessary charges

CRL OP.6886/2020

Date :31/07/2020

RD 28/08/2020