

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.14961 of 2020

J.Selvakodi alias Kalaiselvan

... Petitioner/Accused

Vs.

The Inspector of Police,
Office of Civil Supply CID (CSCID)
Erode - 638012.
(Crime No. 513 of 2007)

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on anticipatory bail in the event of arrest of Non-Bailable Warrant issued on 09.12.2013 in C.C.No. 36 of 2011 on the file of the learned Judicial Magistrate-III, Erode in Crime No.513 of 2007 on the file of the respondent police.

For Petitioner : Mr.D.Vijayan

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

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 offence punishable under Section 6(4) of Tamilnadu Scheduled Commodities(RDCS)order 1982 read with 7(i),a(ii) of Essential Commodities Act, 1955 in Crime No. 513 of 2007, seeks anticipatory bail.

2. It is a case of jumped bail. The petitioner apprehends arrest pursuant to an NBW issued on 09.12.2013.

3.The learned counsel for the petitioner would further submit that the case is of the year 2007. At that time there were three accused persons in connection with the said Crime No. 513 of 2007 including the petitioner. The petitioner was granted bail after 45 days of his judicial custody. Thereafter, the respondent police had completed the investigation and filed the charge sheet in C.C.No. 36 of 2011 and the same is pending on the file of the learned Judicial Magistrate No.III, Erode. However, without summons being issued to the petitioner, the trial Court had issued 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.

4.The learned Additional Public Prosecutor submitted that this case is pending from the year 2007, since the petitioner did not appear, the trial Court had issued Non Bailable Warrant on 09.12.2013.

5. 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.III, Erode and file a petition to recall the non bailable warrant. On such petition is being filed, the trial Court shall consider the same and pass orders on its own merits on the same day of surrender.

6. With the above direction, the petition is ordered accordingly.

-sd/-

24/09/2020

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.III, ERODE.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE
OFFICE OF CIVIL SUPPLY CID (CSCID),
ERODE-638 012.

CC to M/S.D.VIJAYAN Advocate on payment of necessary charges

CRL OP.14961/2020

Date :24/09/2020

RVR 07/10/2020