

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.16094 of 2020

B.Mohamed Hajikani

... Petitioner/Accused

Vs.

The Inspector of Police,
Thiruvarur Town Police Station,
Thiruvarur District.
(Crime No.205 of 2014)

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on bail in the event of arrest of apprehending arrest in SC No.08 of 2015 pending on the file of the Chief Judicial Magistrate Court, Thiruvarur.

For Petitioner : Mr.P.Muthamizh Selvakumar

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 294(b), 324,307,506(ii) of IPC in Crime .No. 205 of 2014, seeks anticipatory bail.

2. it is a case of jumped bail. The petitioner is an accused in S.C.No.08 of 2015 pending trial on the file of the Chief Judicial Magistrate, Thiruvarur for the offence under Sections 294(b), 324,307,506(ii) of IPC. The petitioner apprehends arrest pursuant to an NBW issued on 20.01.2020.

3.The learned counsel for the petitioner would further submit that the petitioner was regularly appearing before the concerned Court and that on 20.01.2020, he was unable to appear before the Court due to personal problem. Thereafter, when the petitioner was taking steps to surrender before the Court, the Courts were closed due to Covid. He would further submit that the said absence is neither willful nor wanton and he undertakes that the petitioner will appear before the Court below regularly on all future hearing dates without fail.

4.The learned Additional Public Prosecutor would vehemently oppose stating that the case is pending from the year 2015. Since the petitioner did not appear before the Court, the trial Court has issued Non Bailable Warrant against the petitioner on 20.01.2020.

5. In view of the fact that a Non Bailable Warrant is pending, the proper course would be that the petitioner shall surrender before the learned (*) **Judicial Magistrate, Thiruvarur** and file a petition to recall NBW already issued against him. On filing of such petition, the concerned Magistrate is directed to consider the same on merits and pass orders on the same day.

6. This criminal original petition is disposed of accordingly.

-sd/-
16/10/2020

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.

**(*) AMENDED AS PER ORDER OF THIS COURT DATED 15/12/2020
MADE IN CRL.MP.NO.7269 OF 2020.**

TO

1(*) Judicial Magistrate, Thiruvarur

2 THE JUDICIAL MAGISTRATE,
COURT, AMBATTUR

3 THE CHIEF JUDICIAL MAGISTRATE COURT,
THIRUVARUR

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE
THIRUVARUR TOWN POLICE STATION,
THIRUVARUR DISTRICT.

CC to M/S. P.MUTHAMIZH SELVAKUMAR Advocate on payment of
necessary charges

CRL OP.16094/2020

Date :16/10/2020

RVR 02/11/2020

RVR 07/01/2021