

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.10.2020

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.16257 of 2020

Captain @ Vellappan

... Petitioner

Vs.

State rep.by

The Inspector of Police,
CSCID Police Station,
Krishnagiri,
(Crime No.78 of 2013)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in C.C.No.64 of 2015 pending on the file of the Judicial Magistrate Court-I, Krishnagiri.

For Petitioner : Mr.R. Thirumoorthy

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 offences punishable under Section 6(4) of TNSC, (RDCS) order 1982 r/w Section 7 (1) (a) (ii) of EC Act 1955 in Crime No.78 of 2013.

2. The learned counsel appearing for the petitioner would submit that on 20.07.2018, due to illness, the petitioner was not able to appear before the learned Judicial Magistrate No.I, Krishnagiri in respect of the case in C.C.No.64 of 2015 and hence, non bailable warrant has been issued against the petitioner. He would further submit that the said absence is neither willful nor wanton and he undertakes that the petitioner shall appear before the Court below regularly on all future hearing dates without fail.

3. The learned Additional Public Prosecution would submit that the non bailable warrant has been issued against the petitioner on 20.07.2018 and the same is pending.

4. Considering the undertaking given by the learned counsel for the petitioner, the petitioner is directed to appear before the learned Judicial Magistrate No.I, Krishnagiri, within a period of two weeks from the date on which the copy is made ready and to file a petition to recall NBW already issued against him. On filing of such petition, the concerned learned Judicial Magistrate is directed to consider the same on merits and pass orders on the same day.

5. This criminal original petition is disposed of accordingly.

-sd/-

13/10/2020

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.

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, KRISHNAGIRI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE
CSCID POLICE STATION,
KRISHNAGIRI.

CC to M/S. R.THIRUMOORTHY Advocate on payment of necessary charges

CRL OP.16257/2020

Date :13/10/2020

RVR 21/10/2020

WEB COPY