

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.17122 of 2020

M.Siva kumar

... Petitioner/Accused

Vs.

State rep by,

The Inspector of Police,

SPE/CBI/EOW/Chennai

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on bail in the event of arrest in connection with C.C.No.24 of 2009 on the file of the learned XI Additional Special Judge for CBI Cases at Chennai.

For Petitioner : Mr.C.Saravanan

For Respondent : Mr.Srinivasan

Special Public Prosecutor for
CBI cases.

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 120B r/w 420,467, 467 and 471 of IPC and Section 13(2) r/w 13(1)(d) of PC Act,1988 , seeks anticipatory bail.

2. It is a case of jumped bail. The petitioner is an accused in C.C.No.24 of 2009 pending on the file of the learned XI Additional Special Judge for CBI Cases, Chennai for the offence under Sections 120B r/w 420,467, 467 and 471 of IPC and Section 13(2) r/w 13(1)(d) of PC Act. The petitioner apprehends arrest pursuant to an NBW issued on 07.06.2019.

3.The learned counsel for the petitioner would further submit that the petitioner was regularly appearing before the concerned Court and that on 07.06.2019, 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-19. 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 Special Public Prosecutor appearing for the CBI Cases would vehemently oppose stating that the petitioner is an accused/A9 who is facing trial in C.C.No.24 of 2009, pending on the file of the learned XI Additional Special Judge for CBI Cases, Singaravelan Maligai, Chennai registered for the offences under Sections 120B r/w 420, 467, 467 and 471 of IPC and Section 13(2) r/w 13(1)(d) of PC Act. Further, he would submit that the petitioner did not appear before the Court on 07.06.2020 and thereby the learned trial Judge had issued NBW against the petitioner and he further submitted that the case is pending from the year 2009 and the final report has been filed and the same has taken up for trial in C.C.No.24 of 2009. This is the second occasion the petitioner did not appear before the trial Court. Thereby, on 07.06.2020 the trial Court has issued Non Bailable Warrant against the petitioner. Further, he would submit that the option available to the petitioner is to surrender before the concerned Court and to file a petition for recalling NBW.

5.In view of the same the petition stands dismissed. The petitioner is directed to surrender before the concerned Magistrate Court and file application for recalling NBW and on filing of such petition, the concerned Magistrate is directed to consider the same on merits and pass appropriate orders on the same day.

6. This criminal original petition is dismissed accordingly.

-sd/-

02/11/2020

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 XI ADDITIONAL SPECIAL JUDGE FOR CBI CASES,
SINGARAVELAN MALIGAI, CHENNAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
SPE/CBI/EOW/CHENNAI.

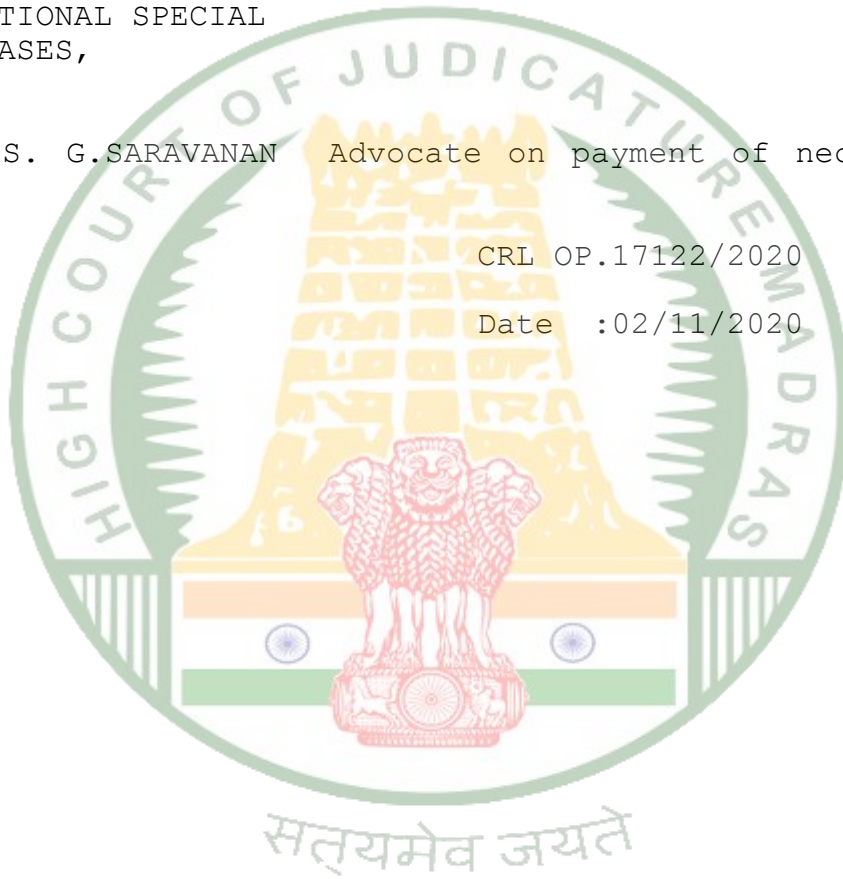
4 THE XI ADDITIONAL SPECIAL
JUDGE FOR CBI CASES,
CHENNAI

CC to M/S. G.SARAVANAN Advocate on payment of necessary
charges

CRL OP.17122/2020

Date :02/11/2020

MK:20/11/2020



WEB COPY