

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.11.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.17628 of 2020

Kannan

.. Petitioner

Vs.

The State rep. by
The Inspector of Police
Kayaar Police Station
Crime No.403 of 2010

..Respondent

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, praying to enlarge the petitioner on bail in the event of his arrest on non-bailable warrant in S.C No.198 of 2010 in Crime No.403 of 2010 issued by the learned III Additional District and Sessions Judge, Chengalpattu on 31.10.2017 pending trial.

For Petitioner : Mr.S.Rajanikanth

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 alleged offences under Sections 147, 148, 324, 302 IPC r/w 49 of IPC in Crime No.403 of 2010 on the file of the respondent police, seeks anticipatory bail.

2. It is a case of jumped bail. The petitioner who is A1 in this case is facing trial in S.C No.198 of 2010 on the file of the III Additional District and Sessions Court, Chengalpattu along with 6 other accused. Since he did not appear before the trial Court on 31.10.2017, the trial Judge issued Non Bailable Warrant against the petitioner and pursuant to which, the petitioner has approached this Court seeking for anticipatory bail.

3. The learned counsel for the petitioner would submit that due to illness, the petitioner did not appear before the Court on 31.10.2017 and thereby, the trial Court has issued NBW. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor vehemently opposed stating that the petitioner who is A1 in this case is facing trial in S.C No.198 of 2010 for the offences under Sections 147, 148, 324, 302 IPC r/w 49 IPC along with 6 other accused. He would further submit that the case is of the year 2010 and since the petitioner did not appear before the trial Court on 31.10.2017, the trial Judge issued NBW against the petitioner and the petitioner is absconding for more than 3 years and with very great difficulty the warrant was executed. He would further submit that due to his absence, there is no progress in the trial. He would further submit that the option available to the petitioner is to surrender before the concerned Court and file a petition for recalling the NBW.

5. In view of the above, this Criminal Original Petition stands closed with a direction to the petitioner to surrender before the III Additional District and Sessions Court, Chengalpattu and file appropriate petition for recalling the non-bailable warrant and the learned trial Judge shall consider the petition and pass orders on merits, on the same day of surrender.

-sd/-

10/11/2020

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 III ADDITIONAL DISTRICT
AND SESSIONS COURT, CHENGALPATTU

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
KAYAAR POLICE STATION,

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

CRL OP.17628/2020

Date :10/11/2020

RVR 01/12/2020