

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.12.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.18664 of 2020

Sathish @ Sathish Babu

.. Petitioner

Vs.

The State rep. by
The Inspector of Police
Guduvancherry Police Station
Chennai.

...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 in connection with S.C No.70 of 2015 pending on the file of the Chief Judicial Magistrate, Chengalpet.

For Petitioner : Mr.M.Ganesh Babu

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 294(b), 392, 397 and 506(ii) of IPC in Crime No.659 of 2014, pursuant to the NBW issued by the Chief Judicial Magistrate in S.C No.70 of 2015 dated 17.06,2017, seeks anticipatory bail.

2. It is a case of jumped bail. The petitioner who is A1 in this case, along with two other accused are facing trial in S.C No.70 of 2015 on the file of the Chief Judicial Magistrate, Chengalpet, for the offences under Section 294(b), 392, 397 and 506(ii) of IPC. Since the petitioner did not appear before the learned Chief Judicial Magistrate on 17.06.2017, the learned 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 17.06.2017 and thereby, the trial Court has issued NBW against him. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner who is A1 in this case has been absconding for the past 3 years and above and due to his absence, there is no progress in the trial. He would further submit that the option available to the petitioner is that he could surrender before the concerned Court and file a petition for recalling the NBW.

5. In view of the above, this Criminal Original Petition stands disposed of with a direction to the petitioner to surrender before the Chief Judicial Magistrate, Chengalpet and file an appropriate petition for recalling the non-bailable warrant and the learned trial Judge shall consider the petition for recalling the NBW and pass orders on merits of the case on the same day.

-sd/-

10/12/2020

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 CHIEF JUDICIAL MAGISTRATE
CHENGALPET

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 INSPECTOR OF POLICE,
GUDUVANCHERRY POLICE STATION,
CHENNAI.

CC to M/S.M.GANESHBABU Advocate on payment of necessary charges
Sr.8193

CRL OP.18664/2020

Date :10/12/2020

RVR 15/12/2020