

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.17554 of 2020

Rathish @ Rathish Shanmanth Babu

... Petitioner

Vs.

The State Represented by,
The Inspector of Police,
Egmore Railway Police Station,
Chennai.

...Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on anticipatory bail in the event of his arrest or surrender against the NBW issued by the XVIII Additional Session Court, Chennai on 07.09.2018 in S.C.No. 108 of 2017.

For Petitioner : Mr.R.Kishore Kumar

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 pursuant to a Non-Bailable Warrant issued by the Hon'ble XVIII Additional Session Judge, Chennai in S.C.No.108 of 2017 under Sections 341, 307 r/w 120(b) of IPC, seeks anticipatory bail.

2. It is a case of jumped bail. The petitioner is A2 in this case and facing trial in S.C.No.108 of 2017, which is pending on the file of the learned XVIII Additional Sessions Judge, Chennai, for the offences under Sections 341, 307 r/w 120(b) of IPC. During trial, the petitioner did not appear before the Trial Court, pursuant to which, the learned XVIII Additional Sessions Judge, Chennai, had issued NBW in S.C.No.108 of 2017 on 07.09.2018.

3. The learned counsel for the petitioner would submit that due to his illness, the petitioner was unable to appear before the Court on 27.03.2019 in S.C.No.108 of 2017 which is pending trial on the file of the learned XVIII Additional Sessions Judge, Chennai. Thereby, the learned XVIII Additional Sessions Judge, Chennai has issued Non-bailable warrant against him.

4. The learned Additional Public Prosecutor would submit that the petitioner is the accused in S.C.No.108 of 2017, which is pending on the file of the learned XVIII Additional Sessions Judge, Chennai. He would further submit that it is a case of the year 2016 and the petitioner is arrayed as A2. He would submit that since the

petitioner did not appear before the respondent on 27.03.2019, the learned XVIII Additional Sessions Judge, Chennai has issued a non-bailable warrant. He would further submit that the option available to the petitioner is to surrender before the concerned Court and file appropriate petition for recalling NBW.

5. In view of the above, the petition stands closed with a condition that the petitioner shall surrender before the concerned Court and file an application for recalling NBW and the learned XVIII Additional Sessions Judge, Chennai, is directed to consider and pass orders on the merits of the case.

-sd/-

09/11/2020

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 XVIII ADDITIONAL SESSIONS
JUDGE, CHENNAI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
EGMORE RAILWAY POLICE STATION,
CHENNAI

CC to M/S.R.KISHORE KUMAR Advocate on payment of necessary
charges Sr.7416

CRL OP.17554/2020

Date :09/11/2020

RVR 20/11/2020

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