

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.11.2020

CORAM

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

Cr1.O.P.No.18127 of 2020

A.Ayvaraj

... Petitioner

Vs.

State rep.by

... Respondent

The Inspector of Police,
Selaiyur Police Station,
Tambaram.
(P.R.C.No.9 of 2018)

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of his arrest in the PRC No.9 of 2018 in Crime No.1334 of 2017 on the file of the respondent police.

For Petitioner : Mr.C.Srinivasan

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

(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 306 of IPC in P.R.C.No.9 of 2018 in Crime No.1334 of 2017, seeks anticipatory bail.

2. It is a case of jumped bail. The petitioner is A2 in P.R.C.No.9 of 2018, which is pending on the file of the learned Judicial Magistrate No.I, Tambaram. During trial, the petitioner did not appear before the Trial Court, pursuant to which, the learned Judicial Magistrate No.I, Tambaram, had issued NBW on 03.11.2020.

3.The learned counsel for the petitioner would submit that the petitioner is A2 in P.R.C.No.9 of 2020 which is pending on the file of the learned judicial Magistrate No.I, Tambaram, and the case was posted on 04.11.2020, which is also reflected in the E-Court's Daily Orders Status. However, strangely, the learned Judicial Magistrate No.1, Tambaram has issued non-bailable warrant on 03.11.2020 and directed the petitioner to surrender before the concerned Court. He would further submit that the petitioner has also filed a copy of the E-Court's Daily Orders Status Report along with the petition, wherein, the case was posted on 04.11.2020. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that since the petitioner did not appear before the learned Judicial Magistrate No.I, Tambaram, the learned Judge has issued non-bailable warrant against the petitioner on 03.11.2020. However, he would further submit that the case stands posted on 19.11.2020, therefore, the option available to the petitioner would be to surrender before the court and file an application for recalling non-bailable warrant.

5. In view of the above, the petitioner is directed to surrender before the learned Judicial Magistrate No.I, Tambaram, on or before next hearing date and file appropriate petition for recalling NBW issued against him. On such filing of petition, the concerned learned Judicial Magistrate is directed to consider the same on merits and pass orders on the same day.

6. With the above directions, this criminal original petition is disposed of.

-sd/-

19/11/2020

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 JUDICIAL MAGISTRATE,
NO.I, TAMBARAM.

2 THE CHIEF JUDICIAL MAGISTRATE,
CHENGALPET [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
SELAIYUR POLICE STATION,
TAMBARAM.

+1 CC to M/S.C.SRINIVASAN Advocate on payment of necessary charges SR.No 7719

CRL OP.18127/2020

Date :19/11/2020