

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2020

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No. 18807 of 2020

1.Gopal @ Gopalakrishnanan ... Petitioners/Accused Nos. 6 & 7
2.Seenu @ Srinivasan

Vs.

The State represented by, ... Respondent/Complainant
The Inspector of Police,
Rasipuram Police Station,
Namakkal District.
(Crime No. 172 of 2012)

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to grant anticipatory bail to this petitioners in the event of their arrest in S.C.No. 8 of 2014, on the file of the Principal Sessions and District Judge at Namakkal.

For Petitioners : Mr.E.Pandian

For Respondent : Mr.T.Shunmugarajeswaran

Government Advocate (Crl. Side)

ORDER

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 395 r/w 397, 450 r/w 34 of IPC, in Crime No. 172 of 2020, on the file of the respondent, seeks anticipatory bail.

2.The learned counsel appearing for the petitioners would submit that on 05.11.2020, the petitioners could not appear before the learned Principal Sessions and District Judge at Namakkal, in respect of the case in S.C.No.8 of 2014, due to lockdown premises. He would further submit that on request of the petitioners, learned counsel on record had filed a condoning of absence petition under 317 of Cr.P.C in Crl.M.P.No.1046 of 2020 and the same was dismissed by the learned Principal Sessions and District Judge at Namakkal and

thereafter, the learned Judge had issued the Non-Bailable Warrant of arrest against the petitioners. He would further submit that the said absence is neither willful nor wanton and he undertakes that the petitioners shall appear before the Court below regularly on all future hearing dates without fail.

3.The learned Government Advocate (Crl.Side) would submit that the non bailable warrant has been issued against the petitioner on 05.11.2020 and the same is pending.

4.Considering the undertaking given by the learned counsel for the petitioner, the petitioner is directed to appear before the learned Principal Sessions and District Judge at Namakkal, in respect of the case in S.C.No.8 of 2014, within a period of two weeks from today and to file a petition under Section 70(ii) of Cr.P.C., to recall NBW already issued against him. On filing of such petition, the concerned Court is directed to consider the same on merits and pass orders on the same day.

5.With the above direction, this Criminal Original Petition is disposed of accordingly.

-sd/-

01/12/2020

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 PRINCIPAL SESSIONS AND
DISTRICT JUDGE, NAMAKKAL.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
RASIPURAM POLICE STATION,
NAMAKKAL DISTRICT.

+1 CC to M/S.E.PANDIAN Advocate on payment of necessary
charges SR.NO.7852

CRL OP.18807/2020

Date :01/12/2020

TA-02/12/2020