

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.01.2021

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.126 of 2021

Raja

... Petitioner/Single Accused

-Vs-

State rep by,

... Respondent/Complainant

The Inspector of Police,
NIB CID, Vellore,
Vellore District.
(Crime No.13 of 2019)

Prayer: Criminal Original petition filed under Section 438 of Code of Criminal Procedure praying to grant anticipatory bail to the petitioner in the event of her arrest in C.C.No.10 of 2019 pending trial on the file of the learned Special Court for the Exclusive trial of EC Act Cases, Salem, Salem District.

For Petitioner : Mr.E.Kannadasan

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

ORDER

(Heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 8(c) r/w 20(b)(ii)(B) of NDPS Act, 1985, in Crime No.13 of 2019 on the file of the respondent police, seeks anticipatory bail.

2. The petitioner who is a single accused in this case is facing trial in C.C No.10 of 2019 on the file of the Special Court for Exclusive trial of EC Act Cases, Salem, Salem District. Since he did not appear before the trial Court on 19.10.2020, 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 national wide lock down, the State Transport Corporation and Private buses are not operated, hence the petitioner did not appear

before the Court on 19.10.2020 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 a single accused in this case is facing trial in C.C.No.10 of 2019 for the offences under Sections 8 (c) r/w 20(b)(ii)(B) of NDPS Act, 1985. He would further submit that the case is of the year 2019 and since the petitioner did not appear before the trial Court on 19.10.2020, the trial Judge issued NBW against the petitioner. He would further submit that due to his absence, there is no progress in the trial. He would further submit that it is open to the petitioner 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 disposed of with a direction to the petitioner to surrender before the Special Court for Exclusive trial of EC Act Cases, Salem, Salem District and file an 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.

-sd/-
19/01/2021

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 SPECIAL COURT FOR EXCLUSIVE TRIAL OF EC
ACT CASES, SALEM, SALEM DISTRICT.

2 THE INSPECTOR OF POLICE,
NIB CID,
VELLORE DIST.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.E.KANNADASAN Advocate on payment of necessary
charges SR.NO.614

CRL OP.126/2021

Date :19/01/2021

TA-25/01/2021

<https://hcservices.ecourts.gov.in/hcservices/>