

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.01.2021

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

CrI.O.P.No.97 of 2021

Yovel @ Joyal

... Petitioner

-Vs-

State rep by,
The Inspector of Police,
K-6, Kilpauk Police Station,
Chennai.
(C.C. No.1906 of 2018)

.... Respondent

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 his arrest in C.C.No.1906 of 2018 pending trial on the file of the V Metropolitan Magistrate, Egmore.

For Petitioner : Mr.D.Padmanabhan

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 341, 294(b), 324, 506(ii) r/w 34 of IPC, in C.C.No.1908 of 2018 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.1906 of 2018 on the file of the V Metropolitan Magistrate, Egmore. Since he did not appear before the trial Court on 12.11.2019, 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 severe fever, hence the petitioner did not appear before the Court below on 12.11.2019 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.1906 of 2018 for the offence under Sections 341, 294(b), 324, 506(ii) r/w 34 of IPC. He would further submit that the case is of the year 2018 and since the petitioner did not appear before the trial Court on 12.11.2019, 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 V Metropolitan Magistrate, Egmore, 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 METROPOLITAN MAGISTRATE
NO.V, EGMORE, CHENNAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
K-6 KILPAUK POLICE STATION,
CHENNAI.

+1 CC to M/S.D.PADMANABHAN Advocate on payment of necessary charges
SR.No.543

CRL OP.97/2021

Date :19/01/2021

cs 22/01/2021

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