

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.01.2021

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

CrI.O.P.No.335 of 2021

Sheik Mohamed

... Petitioner/Accused - 3

-Vs-

State rep by its,
Inspector of Police,
B-7, Ramanathapuram Police Station,
Coimbatore District.
(Crime No.501 of 2013) ... Respondent/Complainant

Prayer: Criminal Original petition filed under Section 438 of Code of Criminal Procedure praying to enlarge the Petitioner on bail in the event of his arrest in Crime No.501 of 2013 on the file of the respondent police.

For Petitioner : Mr.W.Camyles Gandhi

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 457 & 380 of IPC, in C.C.No.1974 of 2019 on the file of the Judicial Magistrate VI Coimbatore, seeks anticipatory bail.

2. The petitioner is ranked as A3 in the crime. He is facing trial in C.C No.1974 of 2019 on the file of the VI Judicial Magistrate, Coimbatore. Since he did not appear before the trial Court, 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 the petitioner had been regularly attending the trial Court, however, later, he secured the job in abroad and on the date of trial, the petitioner could not attend the Court and his counsel also failed to file 317 Cr.P.C. which led to the issuance of NBW against the petitioner. 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.1974 of 2019 for the offence under Sections 457 & 380 of IPC. He would further submit that the case is of the year 2019 and since the petitioner did not appear before the trial Court on the date of trial, 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 Judicial Magistrate VI, Coimbatore 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/-

18/01/2021

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 JUDICIAL MAGISTRATE VI,
COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
B-7, RAMANATHAPURAM POLICE STATION,
COIMBATORE DISTRICT.

+1 CC to M/S.W.CAMYLES GANDHI Advocate on payment of necessary charges SR NO. 443

CRL OP.335/2021

Date :18/01/2021