

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Crl.O.P.No.1056 of 2021

Uvarikalai

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
G-7 Achirupakkam Police Station,
Kancheepuram District.
(Crime No. 114 of 2019)

.... Respondent

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 Non-Bailable Warrant issued in S.C.No.71 of 2020 in Crime No.114 of 2019 on the file of the Judicial Magistrate, at Maduranthagam, Kancheepuram pending trial.

For Petitioner : Mr.M.Vimal Bobby Crimson

For Respondent : Mr.S.Karthikeyan
Addl. Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police in the Non-Bailable Warrant issued on 29.12.2020 in C.C.No.71 of 2020 in Crime No.114 of 2019 on the file of the learned Judicial Magistrate, Maduranthagam, Kancheepuram District for the offence under Sections 428, 429 of I.P.C. and Section 11(a), (b), (d), (e) of Prevention of Cruelty to Animal Act, 1960 pending trial, seeks anticipatory bail.

2. It is a case of jumped bail. The petitioner who is A2 in this case is facing trial in C.C No.71 of 2020 on the file of the Judicial Magistrate, Maduranthagam, Kancheepuram Dt. Since he did not appear before the trial Court on 29.12.2020, 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 illness, the petitioner did not appear before the Court on 29.12.2020 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 A2 in this case is facing trial in C.C. No.71 of 2020 on the file of learned Judicial Magistrate at Maduranthagam, Kancheepuram Dt. He would further submit that the case is of the year 2019 and since the petitioner did not appear before the trial Court on 29.12.2020, the trial Judge issued NBW against the petitioner and the petitioner is absconding for more than a year. 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. As the non-bailable warrant pending against the petitioner, without approaching the concerned court seeking for recalling the non-bailable warrant, the petitioner cannot seek anticipatory bail. In view of the above, this Criminal Original Petition stands closed with a direction to the petitioner to surrender before the learned Judicial Magistrate at Maduranthagam, Kancheepuram Dt. within a period of two weeks from the date of receipt of the copy of this order and file an appropriate petition for recalling the non-bailable warrant and the learned trial Judge shall consider the petition and pass appropriate orders on merits, on the same day.

-sd/-
27/01/2021

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,
MADURANTHAGAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

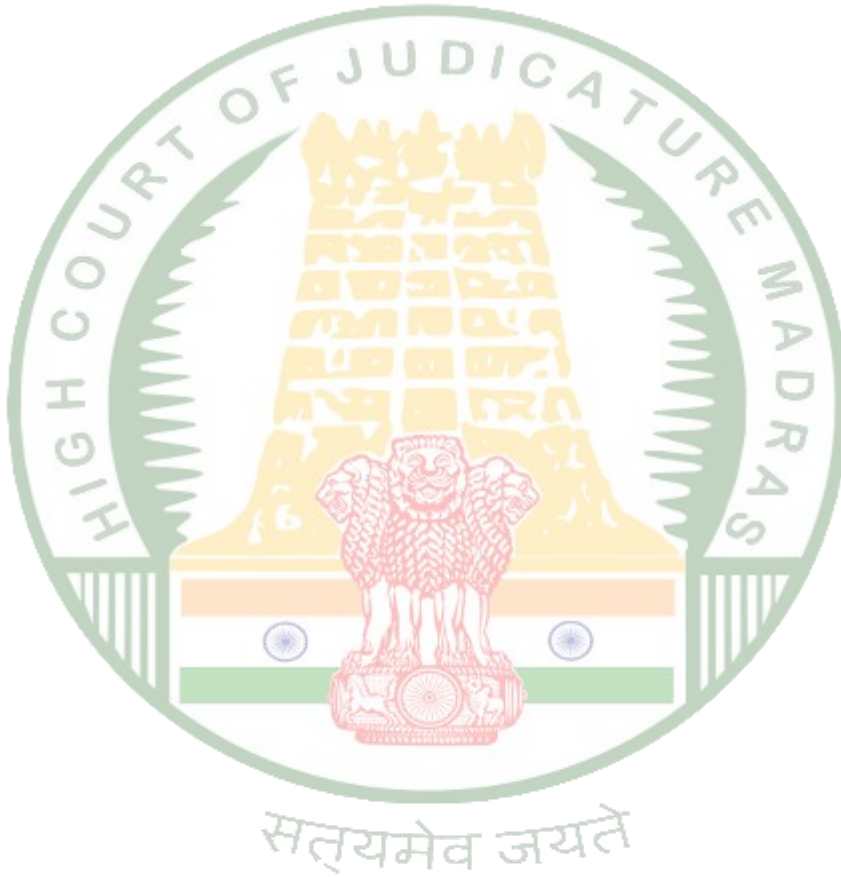
4 THE INSPECTOR OF POLICE,
G-7, ACHIRUPAKKAM POLICE STATION,
KANCHEEPURAM DISTRICT.

+1 CC to M/S M.VIMAL BOBBY CRIMSON Advocate on payment of
necessary charges SR.NO.898

CRL OP.1056/2021

Date :27/01/2021

TA-02/02/2021



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