

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.2458 of 2021

Narayanan @ Thanasekar

... Petitioner

Vs.

State Represented by

... Respondent

The Inspector of Police,  
Civil Supplies Criminal Investigation Department,  
Aanaimalai Police Station,  
Pollachi, Coimbatore  
(Crime No.103 of 2007)

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of in C.C.No.23 of 2009 in Crime No.103 of 2007, pending Trial on the file of the Respondent Police.

For Petitioner : Mr.T.R.Ravi

For Respondent : Mr.S.Karthikeyan,  
APP

**ORDER**

**(The case has been heard through video conference)**

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 6(4) of TNSC (RDCS) Order 1982 r/w. 7(i) a(ii) of Essential Commodities Act 1955 in Crime No.103 of 2007 on the file of the respondent police, seeks anticipatory bail.

2. It is a case of jumped bail. The petitioner in this case is facing trial in C.C.No.23 of 2009 on the file of the Judicial Magistrate-IV, Coimbatore. Since he did not appear before the trial Court on 22.06.2018, 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 22.06.2018 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 A1 in this case, is

facing trial in C.C.No.23 of 2009 for the offences under Sections 6 (4) of TNSC (RDCS) Order 1982 r/w. 7(i) a(ii) of Essential Commodities Act 1955. He would further submit that the case is of the year 2009 and since the petitioner did not appear before the trial Court on 22.06.2018, the trial Judge issued NBW against the petitioner and the petitioner is absconding nearly 2 years. 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 closed with a direction to the petitioner to surrender before the Judicial Magistrate-IV, 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/-  
12/02/2021

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,  
NO.IV, COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE,  
COIMBATORE [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,  
CIVIL SUPPLIES CRIMINAL INVESTIGATION DEPARTMENT,  
AANAIMALAI POLICE STATION,  
POLLACHI, COIMBATORE.

+1 CC to M/S.M.NARESH Advocate on payment of necessary charges  
SR NO. 1679

CRL OP.2458/2021

Date :12/02/2021