

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

CrI.O.P.No.3082 of 2021

Narayanan @ Thanasekar (A1) .. Petitioner

Vs.

State represented by .. Respondent
Inspector of Police,
Civil Supplies Criminal Investigation Department,
Aanaimalai Police Station,
Pollachi, Coimbatore District.
(Crime No.112 of 2008)

Prayer: Criminal Original Petitions filed under Section 438 of Criminal Procedure Code praying to enlarge the petitioners on bail in the event of their arrest in C.C.No.28 of 2010 pending trial on the file of the learned Judicial Magistrate No.IV, Coimbatore.

For Petitioner : Mr.T.R.Ravi

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

O R D E R

(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 Section 6(4) of TNSC (RDCS) Order 1982 r/w 7(i)a(ii) of Essential Commodities Act, 1955 in C.C.No.28 of 2010 on the file of the learned Judicial Magistrate No.IV, Coimbatore, seeks anticipatory bail.

2. It is a case of jumped bail. The petitioner is facing trial in C.C No.28 of 2010 on the file of the learned Judicial Magistrate No.IV, Coimbatore. Since he did not appear before the trial Court on 06.07.2019, the trial Judge issued Non Bailable Warrant (NBW) 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 was suffering from severe diabetic problem and his spinal cord was also injured due to an accident. Hence, due to his illness he did not appear before the trial Court and the trial Court has issued

NBW on 06.07.2019. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor vehemently opposed stating that the petitioner in this case is facing trial in C.C No.28 of 2010 for the offence under Section 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 2010 and since the petitioner did not appear before the trial Court on 06.07.2019, the trial Judge issued NBW against the petitioner on 06.07.2019 and the petitioner is absconding since then. 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 learned Judicial Magistrate No.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/-
17/02/2021

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 IV,
COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE,
COIMBATORE DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CIVIL SUPPLIES CRIMINAL INVESTIGATION DEPARTMENT,
AANAIMALAI POLICE STATION,
POLLACHI, COIMBATORE DISTRICT.
CR.NO.112/2008

+1 CC to M/S.M.NARESH Advocate on payment of necessary charges
SR.NO.1933.

CRL OP.3082/2021

Date :17/02/2021

EP-24/02/2021