

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.2902 of 2021

Sathish Kumar

.. Petitioner

Vs.

State represented by
Inspector of Police,
Chidambaram Taluk Police Station,
Cuddalore District.
(Crime No.120 of 2018)

.. Respondent

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.232 of 2018 pending trial on the file of the learned Judicial Magistrate No.II, Chidambaram.

For Petitioner : Mr.T.Gobinath

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 Sections 379 and 430 of IPC r/w Section 21(1) of Mines and Minerals (Regulation and Development) Act in C.C.No.232 of 2018 on the file of the learned Judicial Magistrate No.II, Chidambaram, seeks anticipatory bail.

2. It is a case of jumped bail. The petitioner is facing trial in C.C No.232 of 2018 on the file of the learned Judicial Magistrate No.II, Chidambaram. Since he did not appear before the trial Court, 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 is A7 and since he did not appear before the trial Court, 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 in this case is facing trial in C.C No.213 of 2018 for the offence under Sections 379 and 430 of IPC r/w Section 21(1) of Mines and Minerals (Regulation and Development) Act. He would further submit that the case is of the year 2018 and since the petitioner did not appear before the trial Court, the trial Judge issued NBW against the petitioner 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.II, Chidambaram, 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 NO.II,
CHIDAMBARAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CHIDAMBARAM TALUK POLICE STATION,
CUDDALORE DISTRICT.

+1CC to M/S. T.GOBINATH Advocate on payment of necessary charges SR NO.1790

CRL OP.2902/2021

Date :17/02/2021