

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.2472 of 2021

D.Muralidharan

... Petitioner

Vs.

The State Rep. by its
The Inspector of Police,
V1, Villivakkam All Women Police Station,
Chennai - 600 049.
(Crime No.1324 of 2004)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of arrest for Non-Bailable Warrant issued on 06.01.2021 in CC.No.12426 of 2005 on the file of the Chief Metropolitan Magistrate, Egmore, Chennai.

For Petitioner : Mr.A.Venkatesan

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 417, 420 and Section 4 of DP Act in Crime No.1324 of 2004 on the file of the respondent police, seeks anticipatory bail.

2. It is a case of jumped bail. The petitioner is facing trial in C.C. No.12426 of 2005 on the file of the learned Chief Metropolitan Magistrate, Egmore, Chennai. Since he did not appear before the trial Court on 20.03.2020, 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 Covid-19 lock down, the petitioner did not appear before the Court on 20.03.2020 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 is facing trial in C.C. No.12426

of 2005 for the offences under Sections 417, 420 and Section 4 of DP Act. He would further submit that the case is of the year 2005 and since the petitioner did not appear before the trial Court on 20.03.2020, the trial Judge issued NBW against the petitioner and the petitioner is absconding for more than one 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 Chief Metropolitan Magistrate, Egmore, Chennai 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/-

24/02/2021

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 CHIEF METROPOLITAN MAGISTRATE,
EGMORE.

2 THE INSPECTOR OF POLICE,
V1, VILLIVAKKAM ALL WOMEN POLICE STATION,
CHENNAI - 600 049.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.A.VENKATESAN Advocate on payment of necessary charges

CRL OP.2472/2021

Date :24/02/2021