

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

CrI.O.P.No.2332 of 2021

1. Jackishan Abraham ... Petitioners
2. Solamon
3. Muthukumar
4. Raguman

Vs.

State Rep. by ... Respondent
The Inspector of Police,
C-2 Elephant Gate Police Station
Chennai-600 079.
(Crime No.92 of 2009)

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioners on bail in the event of their arrest by the respondent police concerned in S.C.No.112 of 2018 pending trial before the XVI Addl. Sessions Judge, Chennai.

For Petitioners: Mr.M.Rajendiran

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

ORDER

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 147, 148, 452, 341, 323, 307, 326, 352, 359 r/w 149 of I.P.C. on the file of the respondent police, seek anticipatory bail.

2. It is a case of jumped bail. The petitioners are facing trial in S.C No.112 of 2018 on the file of the learned XVI Addl. Sessions Judge, Chennai. Since they did not appear before the trial Court on 23.09.2020, the trial Judge issued Non Bailable Warrant against the petitioners and pursuant to which, the petitioners have approached this Court seeking for anticipatory bail.

3. The learned counsel for the petitioners would submit that due to lock down, they were held up in other State for their

livelihood to run their family, and hence, the petitioners did not appear before the Court on 23.09.2020, thereby, the trial Court has issued NBW. Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor vehemently opposed stating that the petitioners are facing trial in S.C No.112 of 2018 for the offences under Sections 147, 148, 452, 341, 323, 307, 326, 352, 359 r/w 149 of I.P.C. He would further submit that the case is of the year 2018 and since the petitioners did not appear before the trial Court on 23.09.2020, the trial Judge issued NBW against the petitioners and they are absconding for more than 2 years. He would further submit that due to their absence, there is no progress in the trial. He would further submit that it is open to the petitioners to surrender before the concerned Court and file a petition for recalling the NBW.

5. As the non-bailable warrant pending against the petitioners, without approaching the concerned court seeking for recalling the non-bailable warrant, the petitioners 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 XVI Addl. Sessions Judge, 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/-

11/02/2021

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 XVI ADDITIONAL SESSIONS JUDGE,
CHENNAI.

2 THE INSPECTOR OF POLICE,
C-2, ELEPHANT GATE POLICE STATION,
CHENNAI- 600 079.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.S.L.VENKATESAN Advocate on payment of necessary
charges SR NO. 1422

CRL OP.2332/2021

Date :11/02/2021

MN-19/02/2021



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