

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Crl.O.P.No.2950 of 2021

Raju

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
J-8 Neelankarai Police Station
Chennai.
(Crime No.877 of 2002)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of his arrest in P.R.C. No.10 of 2005 in Crime No.877 of 2002 issued non-bailable warrant is pending on the file of respondent police.

For Petitioner : Mr.K.Manikandan

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

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 302 of IPC in P.R.C.No.10 of 2005 in Crime No.877 of 2002, and the non-bailable warrant is pending on the file of the respondent police, seeks anticipatory bail.

2. It is a case of jumped bail. The petitioner who is A3 in this case is facing trial in P.R.C. No.10 of 2005 on the file of the learned Judicial Magistrate No.II, Alandur. Since he did not appear before the trial Court on 22.01.2021, 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 split up of the case, he did not able to know the hearing date and hence, the petitioner did not appear before the Court on 22.01.2021 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 A3 in this case is facing trial in P.R.C No.10 of 2005 for the offences under Sections 302 of IPC. He would further submit that the case is of the year 2005 and since the petitioner did not appear before the trial Court on 22.01.2021, the trial Judge issued NBW against the petitioner and the petitioner is absconding for more than 25 days. 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 Judicial Magistrate No.II, Alandur 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/-
17/02/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

सत्यमेव जयते
Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

WEB COPY

TO

1 THE JUDICIAL MAGISTRATE,
NO.II, ALANDUR.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

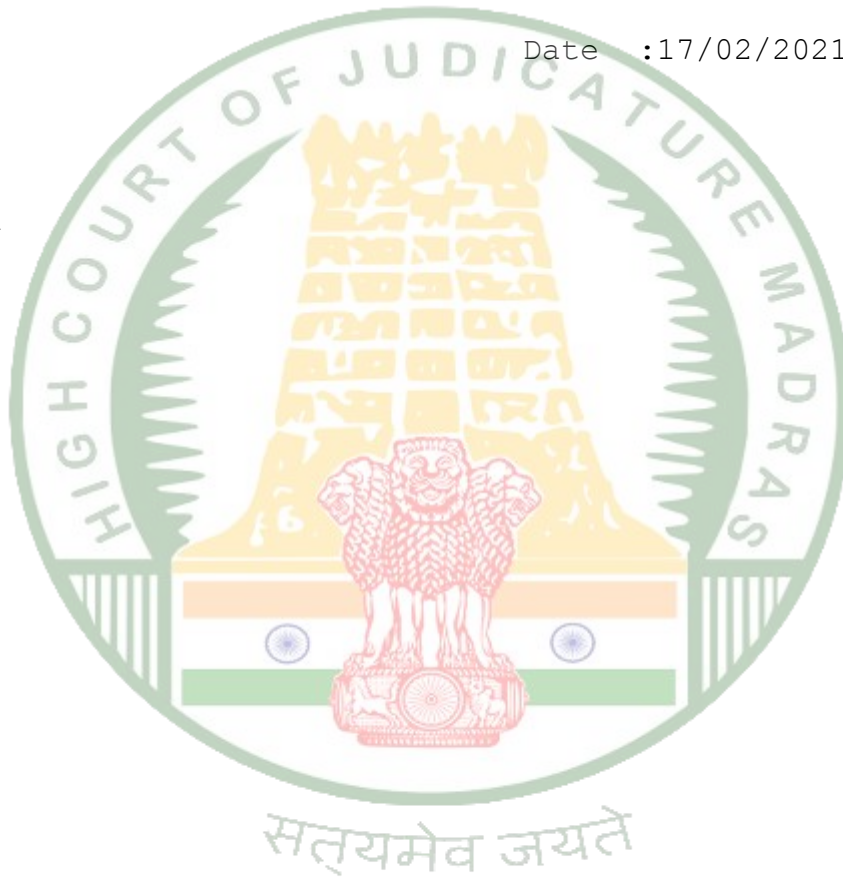
4 THE INSPECTOR OF POLICE,
J-8, NEELANKARAI POLICE STATION,
CHENNAI.

+1 CC to M/S.K.MANIKANDAN Advocate on payment of necessary
charges SR NO. 1987

CRL OP.2950/2021

Date :17/02/2021

MN-26/02/2021



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