

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.03.2021

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

CrI.O.P.No.5229 of 2021

A.Devaneethi

... Petitioner

-Vs-

The State represented by
The Inspector of Police,
T 12, Poonamallee Police Station,
Poonamallee.
Crime No.1041 of 2001

... Respondent

Prayer: Criminal Original petition filed under Section 438 of Code of Criminal Procedure praying to enlarge the petitioner on bail in the event of arrest in C.C.No.638 of 2006 on the file of Learned Judicial Magistrate - II, Poonamallee.

For Petitioner : Mr.R.Karunakaran

For Respondent : Mr.S.Karthikeyan
Additional 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 punishable under Sections 341, 506(ii) of IPC, r/w 4 of Tamil Nadu Prohibition of Women Harassment Act, 1998, in C.C.No.638 of 2006 on the file of the learned Judicial Magistrate No.II, Poonamallee, seeks anticipatory bail.

2. It is a case of jumped bail. The petitioner is facing trial in C.C No.638 of 2006 on the file of the learned Judicial Magistrate No.II, Poonamallee. Since he did not appear before the trial Court on 28.12.2020, 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 met with an accident and because of the leg injury became bedridden. Hence, due to his accident he did not appear before the trial Court and the trial Court has issued NBW on 28.12.2020. 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.638 of 2006 for the offence under Sections 341, 506(ii) of IPC, r/w 4 of Tamil Nadu Prohibition of Women Harassment Act, 1998. He would further submit that the case is of the year 2006 and since the petitioner did not appear before the trial Court on 28.12.2020, the trial Judge issued NBW against the petitioner on 28.12.2020 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, Poonamallee, Chennai, 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/-
16/03/2021

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, POONAMALLEE, CHENNAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

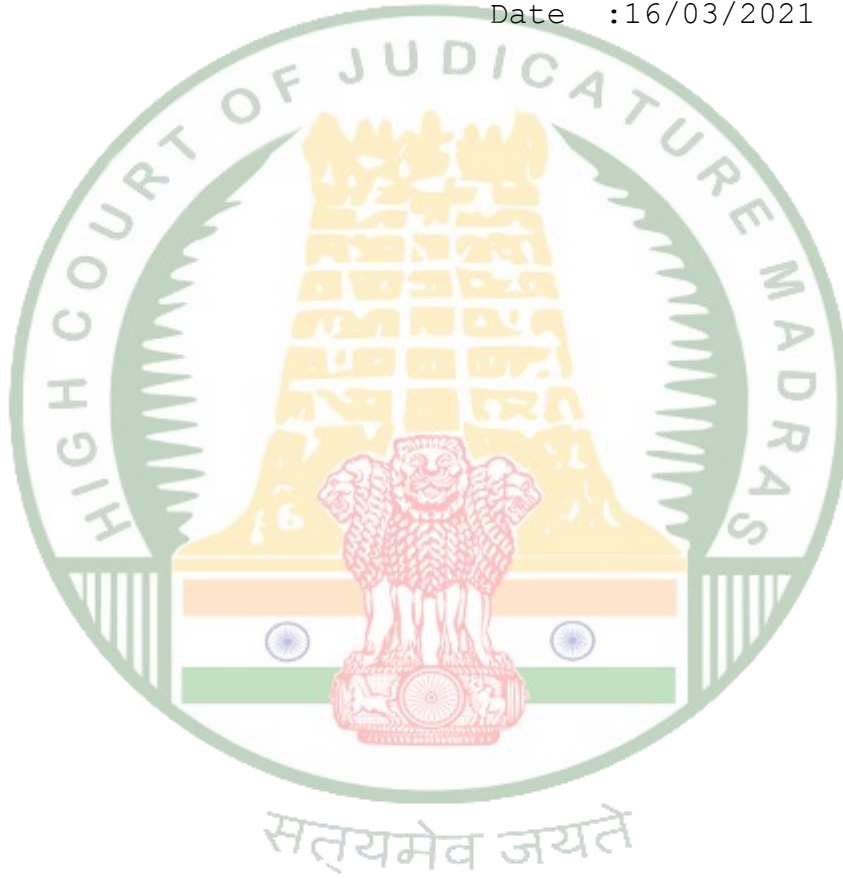
3 THE INSPECTOR OF POLICE,
T12, POONAMALLEE POLICE STATION,
POONAMALLEE.

CC to M/S.R.KARUNAGARAN Advocate on payment of necessary charges

CRL OP.5229/2021

Date :16/03/2021

cs 09/04/2021



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