

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Fourth day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.3435 of 2021

TAMIL PRABHU

[PETITIONER/ACCUSED-3]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
ECONOMIC OFFENCE WING-II,
COIMBATORE.

[RESPONDENT/COMPLAINANT]

For Petitioner : M/S.G.MURUGENDRAN Advocate

For Respondent : M/S.S.KARTHIKEYAN Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Section 420 of I.P.C, R/W Section 5 of Tamil Nadu Protection of Interest of Depositors Act Court Cases, in C.C No.12 of 2013 on the file of the Special Judge, Special Court for Tamil Nadu Protection of Interest of Depositors Act Court Cases, Coimbatore, seeks anticipatory bail.

2. It is a case of jumped bail. The petitioner is facing trial in C.C No.12 of 2013 on the file of the learned Special Judge, Special Court for Tamil Nadu Protection of Interest of Depositors Act Court Cases, Coimbatore. Since he did not appear before the trial Court on 06.01.2021, 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's father was suffering from cardiac care treatment, hence, he did not appear before the trial Court and the trial Court has issued NBW on 06.01.2021. 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.12 of 2013 for the offence under Section 420 of I.P.C, R/W Section 5 of Tamil Nadu Protection of Interest of Depositors Act Court Cases. He would further submit that the case is of the year 2013 and since the petitioner did not appear before the trial Court on 06.01.2021, the trial Judge issued NBW against the petitioner on 06.01.2021 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 Special Judge, Special Court for Tamil Nadu Protection of Interest of Depositors Act Court Cases, Coimbatore, 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/-
04/03/2021

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 SPECIAL JUDGE,
TAMIL NADU PROTECTION OF INTEREST OF DEPOSITORS ACT COURT CASES,
COIMBATORE.

2 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
ECONOMIC OFFENCE WING-II,
COIMBATORE.

+1 CC to M/S.G.MURUGENDRAN Advocate on payment of necessary charges
SR.NO.2859.

CRL OP.3435/2021

Date :04/03/2021

EP-12/03/2021