

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.3530 of 2021

Amalraj

... Petitioner

Vs.

The State Rep. by its  
The Inspector of Police,  
Selaiyur Police Station,  
Chengalpet District.  
(Crime No.1484 of 2011)

... 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 by the respondent police concerned in S.C.No.279 of 2013 pending trial on the file of learned III Addl. District Judge, Chengalpet on such terms and conditions.

For Petitioner : Mr.R.Parthiban

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 147, 148, 341, 302 r/w 149 of I.P.C. and Section 3 of TNPPDL Act 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 S.C No.279 of 2013 on the file of the learned III Addl. District Judge, Chengalpet. Since he did not appear before the trial Court on 21.12.2016, 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 his family condition, the petitioner did not appear before the Court on 21.12.2016 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 S.C No.279 of 2013 for the offences under Sections 147, 148, 341, 302 r/w 149 of I.P.C. and Section 3 of TNPPDL Act. He would further submit that the case is of the year 2013 and since the petitioner did not appear before the trial Court on 21.12.2016, the trial Judge issued NBW against the petitioner and the petitioner is absconding for more than 5 years. 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 III Addl. District Judge, Chengalpet 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/-  
25/02/2021

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 III ADDITIONAL DISTRICT COURT,  
CHENGALPET.

2 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,  
SELAIYUR POLICE STATION,  
CHENGALPET DISTRICT.

+1CC to M/S.R.PARTHIBAN Advocate on payment of necessary charges  
SR NO.2382

CRL OP.3530/2021

Date :25/02/2021

MK: 05/03/2021

<https://hcservices.ecourts.gov.in/hcservices/>