

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.03.2021

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Crl.O.P.No.3532 of 2021

1. S.Mohan  
2. Sathish @ Billa Sathish ... Petitioners

Vs.

The State Rep. by its  
The Inspector of Police,  
E-8, Kelambakkam Police Station,  
Chennai.  
(Crime No.4 of 2011) ... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioners on bail in the event of arrest by the respondent police concerned in S.C.No.147 of 2011 pending trial on the file of learned Addl. District Judge, Chengalpattu.

For Petitioners : Mr.A.E.Ravichandran

For Respondent : Mr.S.Karthikeyan,  
APP

O R D E R

(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, 336, 323, 364, 302 I.P.C. r/w 149, 201, r/w 302, 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, who are A6 and A9 in this case are facing trial in S.C No.147 of 2011 on the file of the learned Addl. District and Sessions Judge, Chenglepet. Since he did not appear before the trial Court on 30.10.2018, the trial Judge issued Nonailable 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 the counsel on record engaged by them neither appeared on behalf of them nor filed a petition under Sec.317 of Cr.P.C. on 30.10.2018 and also they have not informed about the non-bailable warrant, the petitioners did not appear before the Court on 30.10.2018 and 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, who are A6 and A9 in this case are facing trial in S.C No.147 of 2011 for the offences under Sections 147, 148, 336, 323, 364, 302 I.P.C. r/w 149, 201, r/w 302, 149 of I.P.C. He would further submit that the case is of the year 2011 and since the petitioners did not appear before the trial Court on 30.10.2018, the trial Judge issued NBW against the petitioners and the petitioners 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 Addl. District and Sessions Judge, Chenglepet 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/-

सत्यमेव जयते 01/03/2021

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

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TRUE COPY

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

TO

1 THE ADDITIONAL DISTRICT JUDGE,  
CHENGALPATTU.

2 THE ADDITIONAL DISTRICT AND  
SESSIONS JUDGE, CHENGALPET.

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,  
E-8 KELAMBAKKAM POLICE STATION,  
CHENNAI.

+1 CC to M/S.A.E.RAVICHANDRAN Advocate on payment of necessary  
charges SR.No.2507

CRL OP.3532/2021

Date :01/03/2021

cs 08/03/2021



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