

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01.04.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

CrI.O.P.No.6540 of 2021

K. Rajababu

... Petitioner

Vs.

1. State Rep. by
The Inspector of Police,
R-1 Mambalam Police Station
T.Nagar, Chennai. Respondents

2. The Regional Director,
Regional Office, Tamil Nadu
Employees State Insurance
Corporation,
Pannchdweep Bhavan,
No.143, Sterling Road,
Chennai-34.

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner/accused-4 on bail in the event of arrest by the 1st respondent police in C.C. No.746 of 2005 regarding non-bailable issued by the learned II Metropolitan Magistrate, Egmore, Chennai-2.

For Petitioner : Mr.A.Maragathavel

For 1st 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 1st respondent police for the alleged offences under Sections 85(a), 85 (i)(b) of Employees State Insurance Act, 1948 (Central Act XXXIV of 1948) in C.C. No.746 of 2005, and the non-bailable warrant is pending on the file of the 1st respondent police, seeks anticipatory bail.

2. It is a case of jumped bail. The petitioner who is A4 in this case is facing trial in C.C. No.746 of 2005 on the file of the learned II Metropolitan Magistrate, Egmore, Chennai-2. Since he did

not appear before the trial Court on 05.02.2021, 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 appearing for the petitioner would submit that since the petitioner was not well, the petitioner is unable to appear on the date of hearing before the trial court on 05.02.2021, 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 A4 in this case is facing trial in C.C No.746 of 2005 for the offences under Sections 85(a), 85(i) (b) of Employees State Insurance Act, 1948 (Central Act XXXIV of 1948). He would further submit that the case is of the year 2005 and since the petitioner did not appear before the trial Court on 05.02.2021, the trial Judge issued NBW against the petitioner and the petitioner is absconding for more than two months. 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 II Metropolitan Magistrate, Egmore, Chennai-2 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/-

01/04/2021

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 METROPOLITAN MAGISTRATE,
NO.II, EGMORE, CHENNAI-2.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE
R1 MAMBALAM POLICE STATION,
T.NAGAR, CHENNAI-17.

4 THE REGIONAL DIRECTOR
REGIONAL OFFICE - TAMIL NADU EMPLOYEES STATE
INSURANCE CORPORATION, PANNCHDWEEP BHAVAN,
NO.143, STERLING ROAD, CHENNAI - 34

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.A.MARAGATHAVEL Advocate on payment of necessary
charges SR NO.4413

CRL OP.6540/2021

Date :01/04/2021

TA-17/04/2021



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