

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.03.2021

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

CrI.O.P.No.5425 of 2021

A.Sundhar @ Daniel

... Petitioner

-Vs-

State rep. by

The Inspector of Police,
T-7, Tank Factory Police Station,
Chennai.

Crime No.256 of 2013

... 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 his arrest by the respondent police concerned in C.C.No.123 of 2016 pending trial before the learned Judicial Magistrate Court, Ambattur.

For Petitioner : Mr.M.Vinoth

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

O R D E R

(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 454 and 380 of IPC, in C.C.No.123 of 2016 on the file of the learned Judicial Magistrate Court, Ambattur, seeks anticipatory bail.

2. It is a case of jumped bail. The petitioner is facing trial in C.C No.123 of 2016 on the file of the learned Judicial Magistrate Court, Ambattur. Since he did not appear before the trial Court on 22.02.2021, 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 due to his family condition, he did not appear before the trial Court and the trial Court has issued NBW on 22.02.2021. 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.123 of 2016 for the offence under Sections 454 and 380 of IPC. He would further submit that the case is of the year 2016 and since the petitioner did not appear before the trial Court on 22.02.2021, the trial Judge issued NBW against the petitioner on 22.02.2021 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 Judicial Magistrate Court, Ambattur 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/-
19/03/2021

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 COURT,
AMBATTUR.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
T-7, TANK FACTORY POLICE STATION,
CHENNAI.

+1CC to M/S. M.VINOTH Advocate on payment of necessary charges
SR NO.3794

CRL OP.5425/2021

Date :19/03/2021

MK:01/04/2021