

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

CrI.O.P.No.5712 of 2020

Antony @ Minnal Antony

... Petitioner

Vs.

The State Rep. by
Inspector of Police,
Shevvapet Police Station
Salem.

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of his arrest in the Non-Bailable Warrant issued on 10.01.2020 in S.C.No.227 of 2018 on the file of the III Additional District Judge, Salem pending trial.

For Petitioner : Mr.R.C.Paul Kanagaraj
For Respondent : Mr.S.Karthikeyan
Addl. 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 under Sections 147, 148, 224, 332 IPC and Section 25 (1-A) of Arms Act on the file of the 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 S.C No.227 of 2018 on the file of the III Additional District Court, Salem. Since he did not appear before the trial Court on 10.01.2020, 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 illness, the petitioner did not appear before the Court on 10.01.2020 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 S.C No.227 of 2018 for the offences under Sections 147, 148, 224, 332 IPC and Section 25 (1-A) of Arms Act. He would further submit that the case is of the year 2018 and since the petitioner did not appear before the trial Court on 10.01.2020, the trial Judge issued NBW against the petitioner and the petitioner is absconding for more than 2 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 III Additional District Court, Salem 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/-

06/01/2021

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 JUDGE,
SALEM.

2 THE INSPECTOR OF POLICE,
SHEVVAPET POLICE STATION,
SALEM.

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

CC to M/S. R.C.PAUL KANAGARAJ Advocate on payment of necessary charges

CRL OP.5712/2020

Date :06/01/2021