

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.01.2021

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Crl.O.P.No.6059 of 2020

VijayaKumar

... Petitioner

-Vs-

State rep by,
The Inspector of Police,
J-8, Neelankarai Police Station,
Chennai.
(Crime No.272 of 2013)
(Spe.session.Case.No.34/2019)

... Respondent

Prayer: Criminal Original petition filed under Section 438 of Code of Criminal Procedure praying to grant anticipatory bail to the petitioner in the event of his arrest in NBW issued by the learned Mahila Court in Spe.Session Case No.34 of 2019 on the file of the Mahila Court at Chengalpattu.

For Petitioner : Mr.N.Naresh

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

ORDER

(Heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 294(b) IPC and 11 r/w 12 of Protection of children from sexual offence Act 2012, in Spe.Session Case No.34 of 2019 on the file of the respondent police, seeks anticipatory bail.

2. The petitioner who is a sole accused in this case, is facing trial in Spe.Session.Case No.34 of 2019 on the file of the Mahila Court at Chengalpattu. Since he did not appear before the trial Court for more than six hearing, the trial Judge issued Nonailable 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 communication gap between the petitioner and his counsel, the petitioner was unable to appear before the trial Court on the date of trial, which led to the trial Court to issue NBW. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor vehemently opposed the petitioner, stating that the petitioner who is a sole accused in this case is facing trial in Spe.Session Case No.34 of 2019 for the offence under Sections 294(b) IPC and 11 r/w 12 of Protection of children from sexual offence Act 2012. He would further submit that the case is of the year 2013 and since the petitioner did not appear before the trial Court for more than six months, the trial Judge issued NBW against the petitioner. 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 disposed of with a direction to the petitioner to surrender before the Mahila Court at Chengapattu, 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/-
19/01/2021

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 MAHILA COURT,
AT CHENGALPATTU.

2 THE SPECIAL COURT FOR PROTECTION
OF CHILDREN FROM SEXUAL OFFENCES ACT 2012
AT CHENGALPATTU.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
J-8 NEELANKARAI POLICE STATION,
CHENNAI.

+1 CC to M/S.N.NARESH Advocate on payment of necessary charges
SR.No.527

CRL OP.6059/2020

Date :19/01/2021

cs 01/02/2021