

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.05.2021

Coram

The Honourable Mr. Justice G.CHANDRASEKHARAN

Crl.O.P.No.9131 of 2021

Devaneethi

...Petitioner

Versus

Inspector of Police,
JJ Nagar Police Station,
Chennai.

...Respondents

This Criminal Original Petition is filed under Section 482 of Cr.P.C praying to recall the warrant issued on 09.04.2021 in C.C.No.424 of 2003 duly issued by the Judicial Magistrate, Ambattur on his surrender before the Judicial Magistrate, Ambattur on a specified date and release him on the very same date.

For Petitioner : Mr. Ashok Kumar.D

For Respondents : Mr.Charles Premkumar,
Govt. Advocate (crl. Side)

O R D E R

The petition is filed seeking a direction to the learned Judicial Magistrate, Ambattur to accept the surrender of the petitioner and recall the NBW issued against him on the very same day.

2. It is seen from the submission that in C.C.No.424 of 2003, the petitioner is the sole accused. When the matter was posted for judgment on 04.03.2021, he did not appear, as a result, NBW was issued. Subsequently, on his appearance before the learned Judicial Magistrate on 02.04.2021, the learned Judicial Magistrate ordered to release him subject to the condition that he must report daily by 10.30 a.m., and sign. However, it appears that on the fear that he may be tested positive of Covid-19, he did not appear before the learned Magistrate on 03.04.2021, 04.04.2021 and 08.04.2021. Therefore, the learned Magistrate issued notice on 08.04.2021 calling for his explanation as to why the bail should not be cancelled with a direction to the petitioner to appear on 09.04.2021. He did

not appear on 09.04.2021 and therefore, warrant was issued. Now, this petition has been filed.

3. It is seen that the petitioner has not produced any materials to substantiate his apprehension that he might be affected with Covid-19 virus. He has not produced any certificate to show that he underwent necessary test to find out whether he got infected by covid-19 during the time he did not appear before the learned Magistrate.

4. However, taking into consideration that this case is of the year 2003 and the case is ripe for pronouncement of judgment, this Court is of the considered view that the petitioner may be directed to surrender before the learned Judicial Magistrate and seek regular bail, On such surrender, the learned Magistrate is directed to dispose the bail application on the very same day on merits and pronounce the judgment if possible, immediately, on the same day.

5. Accordingly, the Criminal Original Petition is ordered.

Sd/-
Assistant Registrar(V.O)

//True Copy//

Sub Assistant Registrar

mrp
To

- 1.The Judicial Magistrate,
Ambattur.
- 2.-Do- Through Chief Judicial Magistrate,
Chennai.
- 3.The Inspector of Police,
JJ Nagar Police Station,
Chennai.
- 4.The Public Prosecutor,
High Court of Madras,
Chennai - 600 104.

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