

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.06.2021

CORAM

THE HON'BLE MRS. JUSTICE R.SUBRAMANIAN

Crl.O.P.No.9821 of 2021

A.Mohamed Irfan

... Petitioner

Vs.

The State of Tamil Nadu, Rep. by,
The Inspector of Police,
Porayar Police Station,
Nagapattinam.
(F.I.R.No.143 of 2012)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C., praying to enlarge the petitioner/accused-9 on anticipatory bail in the event of his arrest in C.C.No.66 of 2017, pending on the file of the learned Judicial Magistrate - II, Mayiladuthurai.

For Petitioner : Mr.R.Singaravelan, Senior Counsel
for Mrs.P.Brindha

For Respondent : Mr.L.Baskaran
Govt. Advocate (Crl.Side)

O R D E R

The petitioner, who apprehends arrest in respect of the offence punishable under Sections 147, 148, 448, 354, 436, 352, 427, 379, 506(2) of the Indian Penal Code in C.C.No.66 of 2017, seeks anticipatory bail.

2. The learned Government Advocate (Criminal Side) would submit that the petitioner is absconding accused and the case was split-up. It is also pointed out that the other accused have been acquitted. He would further submit that the case has now been transferred to the file of the learned Judicial Magistrate, Tharangambadi and re-numbered as C.C.No.74 of 2019. The same is posted for hearing on 05.07.2021. It is also stated that the non-bailable warrant is pending against the petitioner.

3. Mr.R.Singaravelan, learned Senior Counsel appearing for the petitioner would submit that the absence of the petitioner is neither wilful nor wanton and the petitioner was un-aware of the pendency of the case as his name was improperly described in the First Information Report. He would further submit that the petitioner would appear before the learned Judicial Magistrate, Tharangambadi on any day fixed by this Court.

4. Considering the statement made by the learned Senior Counsel appearing for the petitioner, the petitioner is directed to appear before the learned Judicial Magistrate, Tharangambadi on 05.07.2021 viz., the date on which the case is posted for hearing and apply for recalling of the warrant. If such application is filed, the learned Judicial Magistrate, Tharangambadi shall consider the application and dispose of the same on the same day.

5. Accordingly, the Criminal Original Petition stands disposed of.

-sd/-
03/06/2021

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,
THARANGAMBADI.

2 THE JUDICIAL MAGISTRATE NO.II,
MAYILADUTHURAI.

3 THE INSPECTOR OF POLICE,
PORAYAR POLICE STATION,
NAGAPATTINAM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.P.BRINDHA Advocate on payment of necessary charges

CRL OP.9821/2021

Date :03/06/2021