

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Crl.O.P.No.19532 of 2020

Vijay Raj @ Vijay

... Petitioner

Vs.

The State Rep. by
Inspector of Police,
T-14 Mangadu Police Station,
Kancheepuram District.
(Crime No. 1487 of 2018)

... 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 in S.C.No.11 of 2019 in Crime No.1487 of 2018 on the file of the **(*)ADDITIONAL DISTRICT COURT AND SESSIONS JUDGE FAST TRACK COURT, KANCHIPURAM** pending trial.

For Petitioner : Mr.R.Sasikumar

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 302, 307 of IPC altered into under Section 302, 307, 342 r/w 34 of IPC in Crime No.1487 of 2018 on the file of the respondent police, seeks anticipatory bail.

2. It is a case of jumped bail. The petitioner who is A3 in this case is facing trial in S.C No.11 of 2019 on the file of the **(*)ADDITIONAL DISTRICT COURT AND SESSIONS JUDGE FAST TRACK COURT, KANCHIPURAM** along with other accused. Since he did not appear before the trial Court on 13.03.2020, 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 13.03.2020 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 A3 in this case is facing trial in S.C No.11 of 2019 for the offences under Sections 324, 302 of I.P.C. altered into under Section 302, 307, 342 r/w 34 IPC along with other accused. He would further submit that the case is of the year 2019 and since the petitioner did not appear before the trial Court on 13.03.2020, the trial Judge issued NBW against the petitioner and the petitioner is absconding for more than 7 months. 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 **(*)ADDITIONAL DISTRICT COURT AND SESSIONS JUDGE FAST TRACK COURT, KANCHIPURAM** 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/-

07/01/2021

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.

**(*) AMENDED AS PER ORDER OF THIS COURT DATED
12/02/2021 MADE IN CRL.MP.NO.1300 OF 2021**

TO

**(*)1 ADDITIONAL DISTRICT COURT AND
SESSIONS JUDGE FAST TRACK COURT,
KANCHIPURAM**

2 THE ADDITIONAL DISTRICT AND
SESSIONS COURT FAST TRACK COURT NO.I,
KANCHIPURAM

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
T-14 MANGADU POLICE STATION,
KANCHEEPURAM DISTRICT.

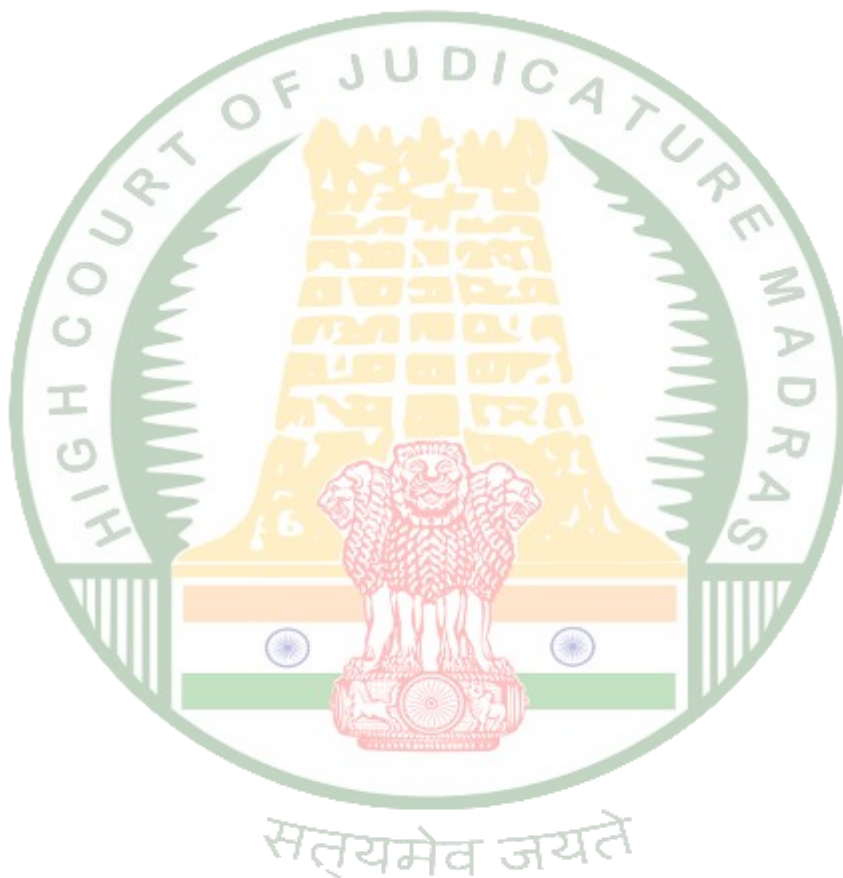
CC to M/S.R.SASIKUMAR Advocate on payment of necessary charges
Sr.1564

CRL OP.19532/2020

Date :07/01/2021

RVR 19/01/2021

RVR 25/02/2021



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