

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Crl.O.P.No.19497 of 2020

Karthikeyan @ Karthik ,
S/o. Anbu,
No.2, Nehru 3rd Street,
Devi Karumariyamman Nagar,
Pallikaranai,
Chennai-600 100.

... Petitioner

Vs.

The State Rep. by
Inspector of Police,
S-10 Pallikaranai Police Station.
(Crime No. 514 of 2009)

... 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.73 of 2010 in Crime No.514 of 2009 on the file of the Additional District Judge, Chengalpattu pending trial.

For Petitioner : Mr.K.Manikandan

For Respondent : Mr.S.Karthikeyan,
Addl. Public Prosecutor

ORDER

(The case has been heard through video conference)

This matter is taken up for hearing under the caption “For Being Mentioned” today at the instance of the learned counsel for the petitioner.

2. The learned counsel for the petitioner submitted that earlier, this Court, by an order dated 07.01.2021 granted anticipatory bail to the petitioner. However, in the said order, in paragraph-1, it has been wrongly typed as follows :-

"The petitioner, who apprehends arrest at the hands of the respondent police in the Non-Bailable Warrant issued on 19.12.2017 in S.C.No.145 of 2016 in Crime No.1456 of 2012 on the file of the Principal District Judge, Chengalpattu for the offence under Section 302 of I.P.C., pending trial, seeks anticipatory bail."

3. Considering the above submission, the paragraph-1 of the order shall be substituted as follows:

"The petitioner, who apprehends arrest at the hands of the respondent police in the Non-Bailable Warrant issued on 25.01.2019 in S.C.No.73 of 2010 in Crime No.514 of 2009 on the file of the Additional District Judge, Chengalpattu for the offence under Section 302 of I.P.C., pending trial, seeks anticipatory bail."

4. Registry is directed to incorporate above correction in the Order of this Court in Cr.O.P.No.19497 of 2020 dated 07.01.2021 and issue fresh order copy to the petitioner.

5. Time is extended for further period of two weeks for surrendering the petitioner before the Additional District Judge, Chengalpattu from the date of receipt of the copy of amended order.

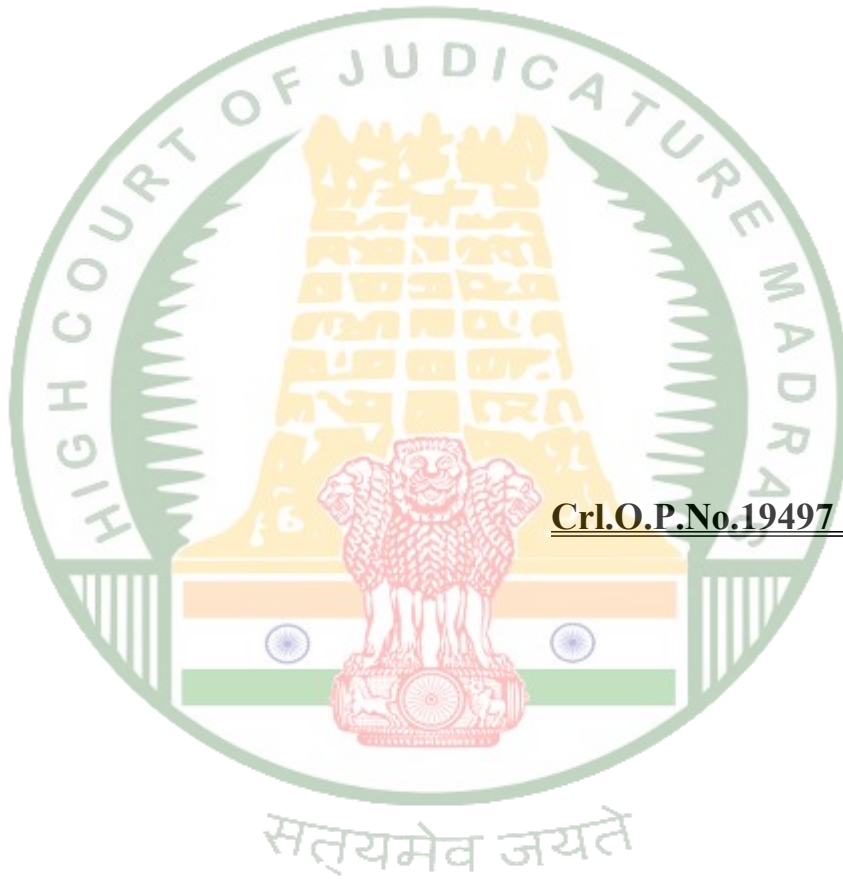
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V.BHARATHIDASAN, J.

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ORDER

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The petitioner, who apprehends arrest at the hands of the respondent police in the Non-Bailable Warrant issued on 19.12.2017 in S.C.No.145 of 2016 in Crime No.1456 of 2012 on the file of the Principal District Judge, Chengalpattu for the offence under Section 302 of I.P.C., pending trial, seeks anticipatory bail.

2. It is a case of jumped bail. The petitioner who is A1 in this case is facing trial in S.C No.73 of 2010 on the file of the Additional District Court, Chengalpattu. Since he did not appear before the trial Court on 25.01.2019, 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 he met with an accident and completely bedridden, due to which, totally paralysed. Hence, the petitioner did not appear before the Court on 25.01.2019 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 A1 in this case is facing trial in S.C No.73 of 2010 on the file of Additional District Court, Chengalpattu. He would further submit that the case is of the year 2010 and since the petitioner did not appear before the trial Court on 25.01.2019, the trial Judge issued NBW against the petitioner and the petitioner is absconding for more than a year. 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 Judge, Chengalpattu 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.

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To

1. The Additional District Court,
Chengalpattu.
2. The Inspector of Police,
S-10 Pallikaranai Police Station
3. The Public Prosecutor,
High Court of Madras, Chennai.

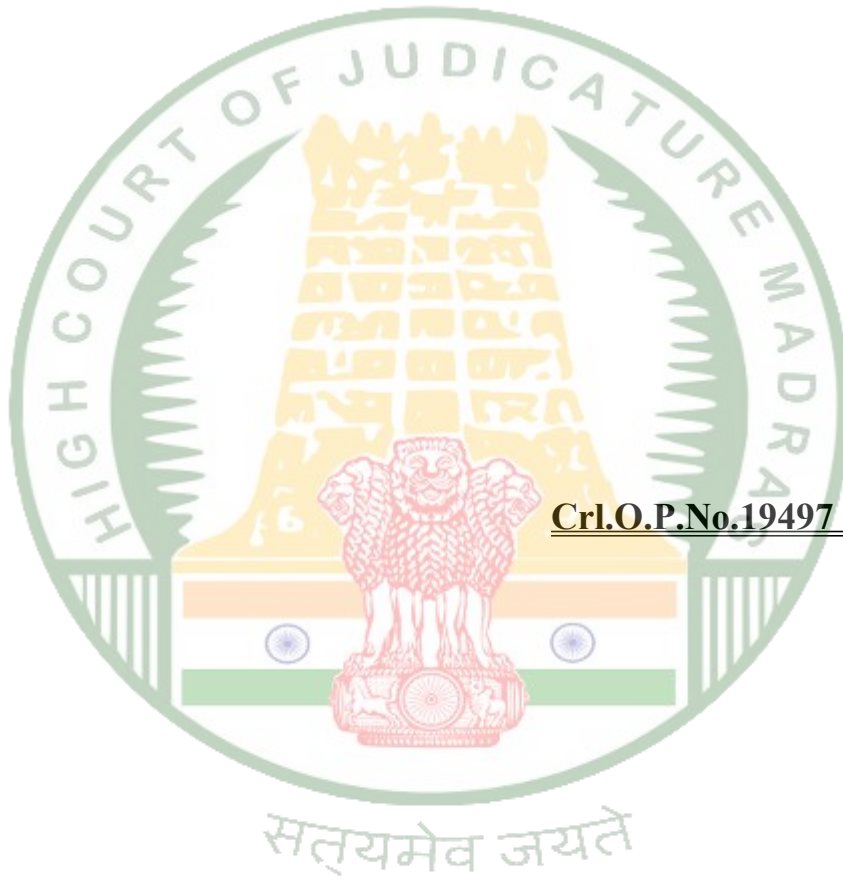


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