

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Cr1.O.P.No.19965 of 2020

Kalidoss

... Petitioner

Vs.

The State Rep. by
Inspector of Police, ... Respondent
S-5 Pallavaram Police Station.
(Crime No. 36 of 2012)

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.226 of 2012 in Crime No.36 of 2012 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)

The petitioner, who apprehends arrest at the hands of the respondent police in the Non-Bailable Warrant issued on 16.04.2018 in S.C.No.226 of 2012 in Crime No.36 of 2012 on the file of the Additional 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 A3 in this case is facing trial in S.C No.226 of 2012 on the file of the Additional District Court, Chengalpattu. Since he did not appear before the trial Court on 16.04.2018, 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 16.04.2018 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.226 of 2012 on the file of Additional District Court, Chengalpattu. He would further submit that the case is of the year 2012 and since the petitioner did not appear before the trial Court on 16.04.2018, the trial Judge issued NBW against the petitioner and the petitioner is absconding for more than 2 years. 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, Salem 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.

TO

1 THE ADDITIONAL DISTRICT COURT,
CHENGALPATTU.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
S-5, PALLAVARAM POLICE STATION,

CC to M/S.K.MANIKANDAN Advocate on payment of necessary charges

CRL OP.19965/2020

Date :07/01/2021

TA-25/01/2021

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