

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.01.2021

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.20648 of 2020

R.Sivakumar

.. Petitioner

Vs.

The State represented by
The Inspector of Police
Thirukovilur Police Station
Thirukovilur,
Kallakurichi District
Crime No.284 of 2010

.. Respondent

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, praying to enlarge the petitioner on bail in the event of arrest in S.C.No.161 of 2019 in Crime No.284 of 2010 on Non-bailable warrant pending against the petitioner from 12.08.2016 on the file of the II Additional Subordinate Judge at Villupuram.

For Petitioner : Mr.R.Pushpalatha

For Respondent : Mr.S.Karthikeyan
Additional 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 147, 148, 294(b), 323, 324, 506(ii) and 307 of IPC307 r/w.34, 452, 394 r/w.397 and 392 IPC in Crime No.09 of 2017 on the file of the respondent police, seeks anticipatory bail.

2. The petitioner who is A2 in this case is facing trial in S.C No.161 of 2019 (split up from SC No.343 of 2012) on the file of the II Additional Subordinate Judge, Villupuram. Since he did not appear before the trial Court 12.08.2016, the trial Judge issued a 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 the petitioner is arrayed as A2 in SC.No.343 of 2012 in Crime No.284 of 2010 for the offence under Sections 147, 48, 294(b), 323, 324 506(ii) and 307 of IPC and thereafter, the petitioner was split up from the case of SC No.343 of 2012 to SC.No.161 of 2019 and both the cases are still pending before the II Additional Subordinate Judge at Villupuram. Due to his illness, he could not appear before the Court 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 A2 in this case is facing trial in S.C No.161 of 2019 for the offence under Sections 147, 48, 294(b), 323, 324 506(ii) and 307 of IPC. He would further submit that the case is of the year 2019 and since the petitioner did not appear before the trial Court, the trial Judge issued NBW on 12.08.2016 against the petitioner and the petitioner is absconding for more than four 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. In view of the above, this Criminal Original Petition stands closed with a direction to the petitioner to surrender before the II Additional Subordinate Judge, Villupuram and file an appropriate petition for recalling the non-bailable warrant and the learned trial Judge shall consider the petition and pass 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 II ADDITIONAL SUBORDINATE JUDGE,
VILLUPURAM.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE
THIRUKOVILUR POLICE STATION,
THIRUKOVILUR, KALLAKURICHI DISTRICT.

+1CC to M/S.R.PUSHPALATHA Advocate on payment of necessary
charges SR NO.246

CRL OP.20648/2020

Date :07/01/2021

MK:19/01/2021



WEB COPY