

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Second day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.20623 of 2020

AKBAR ALI

[PETITIONER/ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
CRIME BRANCH CID,
NAGAPATTINAM UNIT,
NAGAPATTINAM.
(CRIME NO. 3/2020)

[RESPONDENT/COMPLAINANT]

For Petitioner : M/S S.SHANKAR Advocate

For Respondent : M/S. S.KARTHIKEYAN, Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 120(b), r/w 406 & 420 of I.P.C, in C.C.No.37 of 2019 on the file of the learned Chief Judicial Magistrate Court, Nagapattinam, Nagapattinam District, seeks anticipatory bail.

2. It is a case of jumped bail. The petitioner is facing trial in C.C No.37 of 2019 on the file of the learned Chief Judicial Magistrate Court, Nagapattinam. Since he did not appear before the trial Court on 21.08.2020, the trial Judge issued Non Bailable Warrant (NBW) 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 was suffering from stone in the Gall Bladder and diabetic. Subsequently, due to the pandemic Covid 19. Hence, due to his illness he did not appear before the trial Court and the trial Court has issued NBW on 21.08.2020. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor vehemently opposed stating that the petitioner in this case is facing trial in C.C No.37

of 2019 for the offence under Section 120(B), r/w 406 and 420 of I.P.C. He would further submit that the case is of the year 2019 and since the petitioner did not appear before the trial Court on 21.08.2020, the trial Judge issued NBW against the petitioner on 21.08.2020 and the petitioner is absconding since then. 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 learned Chief Judicial Magistrate Court, Nagapattinam, 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/-
02/03/2021

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 CHIEF JUDICIAL MAGISTRATE COURT,
NAGAPATTINAM.

2 THE INSPECTOR OF POLICE,
CRIME BRANCH CID, NAGAPATTINAM UNIT,
NAGAPATTINAM.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S S.SHANKAR Advocate on payment of necessary charges
SR NO. 2662

CRL OP.20623/2020

Date :02/03/2021