

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.01.2021

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.20884 of 2020

Siva @ Rajini

.. Petitioner

Vs.

State rep. by
The Inspector of Police
Ariyaur Police Station
Ariyalur District
Crime No.562 of 2009.

..Respondent

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, praying to enlarge the petitioner on bail in the event of his arrest in connection with SC No.09 of 2017 on the file of the Sessions Judge Fast Track Court, Ariyalur.

For Petitioner : Mr.S.Sankarasubbu

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

ORDER

(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 307 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. It is a case of jumped bail. The petitioner who is A3 in this case is facing trial in S.C No.09 of 2017 on the file of the Sessions Judge, Fast Track Court, Ariyalur. Since he did not appear before the trial Court, 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 the petitioner was in the custody of Pudukottai Police, due to which, the petitioner did 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 A3 in this case is facing trial in S.C No.09 of 2017 for the offences under Sections 307 r/w.34, 452, 394 r/w.397 and 392 of IPC. He would further submit that the case is of the year 2017 and since the petitioner did not appear before the trial Court, 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. In view of the above, this Criminal Original Petition stands closed with a direction to the petitioner to surrender before the Sessions Judge, Fast Track Court, Ariyalur 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 SESSIONS JUDGE, FAST TRACK COURT,
ARIYALUR.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
ARIYALUR POLICE STATION,
ARIYALUR DISTRICT.

CC to M/S. R.SANKARASUBBU Advocate on payment of necessary charges

CRL OP.20884/2020

Date :07/01/2021

TA-01/02/2021