



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twentieth day of April Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.8394 of 2022

D.MURALIDHARAN

[PETITIONER / ACCUSED]

Vs

THE STATE REP.BY ITS

[RESPONDENT]

THE INSPECTOR OF POLICE,

V1, VILLIVAKKAM ALL WOMEN POLICE STATION,

CHENNAI - 600 049.

(CRIME NO.1324/2004)

For Petitioner : M/S. R.SANKARASUBBU Advocate

For Respondent : MR.S.SANTHOSH, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehending arrest for the alleged offence under Section 417, 420 of I.P.C and Section 4 of DP Act, in Crime No.1324 of 2004, on the file of respondent police, seeks anticipatory bail.

2. The petitioner, who is facing trial in C.C.No.12426 of 2005 failed to appear before the Trial Court and therefore, NBW was issued against him on 06.01.2021 hence the petitioner has approached this Court seeking anticipatory bail fearing execution of NBW. This Court has entertained that petition and passed an order on 24.02.2021 directing the petitioner to surrender before the Learned Chief Judicial Metropolitan Magistrate, Egmore, Chennai, within a period of two weeks from the date of receipt of a copy of this order and file an appropriate petition for recalling the non-bailable warrant. On such surrender and filing of petition, the Learned Judge shall consider the petition and pass appropriate order on merits on the same day.



3. In spite of the above order, the petitioner has failed to surrender before the Chief Judicial Metropolitan Magistrate, Egmore, Chennai and filed petition for recall. Thereafter, he again approached this Court by way of Criminal Miscellaneous Petition seeking extension of time to surrender. On 30.09.2021, this Court has extended the period for surrender by two weeks. Even then, the petitioner has not surrendered and again, filed a petition for extension of time in Crl.M.P.No.3524 of 2022.

4. This Court, after perusing the records, dismissed the petition for extension of time vide order dated 23.03.2022. While the fact being so, the Anticipatory Bail petition is filed again by the petitioner herein stating that, the petitioner was suffering from Covid-19 and taking treatment in Meenakshi Mission Hospital, Madurai. After recovery from the illness, he could not able to walk. In the said circumstances, his wife meet with road accident on 16.09.2021. Therefore, he was not able to comply the order passed by this Court on 30.09.2021, while extending the time for surrender in C.M.P.No.10077 of 2021. The medical records of one Mrs.Keerthika W/o.Muralidharan (petitioner herein) produced by the petitioner's Counsel. Though the explanation for not complying with the condition at the first instance, after extension of time, not so convincing the Court.

5. Taking into consideration the fact that the submissions of the Learned Counsel for the petitioner that, the defacto complainant has not turned up to adduce evidence, in spite of receipt of the witness summons and prosecution has dispensed with his appearance and likely to close the examination of prosecution side witness and further submission that, the petitioner is ready to surrender before the Trial Court within the given time, the petitioner shall surrender before the Trial Court and seeks for recall of warrant.

6. Considering the above facts, the petitioner herein is directed to surrender before the Chief Judicial Metropolitan Magistrate, Egmore, Chennai. On such surrender and filing of recall warrant, the Court may be considered on merits and appropriate orders may be passed on the same day. With the above observation, this Criminal Original Petition is disposed of.

-sd/-

20/04/2022

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.



1 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI.

2 THE INSPECTOR OF POLICE,
V1, VILLIVAKKAM ALL WOMEN POLICE STATION,
CHENNAI - 600 049.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+2CC to M/S. R.SANKARASUBBU Advocate on payment of necessary
charges SR.No.5947

CRL OP.8394/2022

Date :20/04/2022

CSK 22/04/2022