



Crl.OP.No.16713 of 2022

Crl.O.P.No.16713 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406, and 420 of I.P.C, Section 5 of TNPID Act, 1997, and Sections 3, 5 r/w Section 21 of the Banning of Unregulated Deposit Scheme Act, 2019 in Crime No.3 of 2019, seeks anticipatory bail.

2. The petitioner is arrayed as second accused in Crime No.3 of 2019 on the file of the learned Special Court for TNPID cases, Coimbatore, for the offences punishable under Sections 406, and 420 of I.P.C, Section 5 of TNPID Act, 1997, and Sections 3, 5 r/w Section 21 of the Banning of Unregulated Deposit Scheme Act, 2019. By an order dated 07.06.2022, the Special Court for TNPID cases, Coimbatore, directed the petitioner to report before the Sultanpet Police Station Coimbatore. Thereafter, he failed to comply with the said condition and due to his non appearance, the trial Court issued Non-bailable warrant as against the petitioner on 22.06.2022. Hence, the petitioner filed this present petition.



Crl.OP.No.16713 of 2022

WEB COPY

3. The learned counsel appearing for the petitioner would submit that on, due to illness, the petitioner was not able to appear before the Inspector of Police, Sulthanpet Police Station, in respect of the case in Crime No.3 of 2019 and hence, non bailable warrant has been issued against the petitioner. He would further submit that the said absence is neither willful nor wanton and he undertakes that the petitioner shall appear before the Court below regularly on all future hearing dates without fail.

4. The learned Additional Public Prosecutor would submit that the non bailable warrant has been issued against the petitioner on 22.06.2022 and the same is pending.

5. Considering the undertaking given by the learned counsel for the petitioner, the petitioner is directed to appear before the learned Special Court for TNPID cases, Coimbatore, within a period of two weeks from today and to file a petition to recall NBW already issued



Crl.OP.No.16713 of 2022

WEB COPY

against him. On filing of such petition, the concerned learned Magistrate, Special Court for TNPID cases, Coimbatore, is directed to consider the same on merits and pass orders on the same day.

6. It is made clear that while considering the petition to recall, the Court below shall bear in mind about the period of Non Bailable Warrant and any crime committed while pending Non Bailable Warrant. Mere direction issued by this Court to consider the application on the same day does not amount to direction to consider the recall petition favourably.

7. This criminal original petition is disposed of accordingly.

19.07.2022

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Crl.OP.No.16713 of 2022

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