



CrI.OP.No. 16112 of 2022

CrI.O.P.No. 16112 of 2022

WEB **G.K.ILANTHIRAIYAN, J.**

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148 & 307 r/w 120(B) of IPC in Crime No 61 of 2013, seek anticipatory bail.

2. The petitioner is facing trial in S.C.No. 48 of 2022 on the file of the learned Subordinate Court, Dharapuram, for the offences punishable under 147, 148 & 307 r/w 120(B) of IPC and they filed 317 Cr.P.C before the Trial Court seeking exemption from personal appearance and the same has been rejected and the trial Court issued Non-bailable warrant as against the petitioners on 05.07.2022. Hence, the petitioners filed this present petition.

3. The learned counsel appearing for the petitioners would submit that on 05.07.2022, they filed 317 Cr.P.C before the Trial Court seeking exemption from personal appearance and the same has been rejected by the learned Subordinate Judge, Dharapuram and the non bailable warrant has been issued against the petitioners. He would further submit that he undertakes that the petitioners shall appear before the Court below regularly on all future hearing dates without fail.



CrI.OP.No. 16112 of 2022

4. The learned Additional Public Prosecutor would submit that the non bailable warrant has been issued against the petitioners on 05.07.2022 and the same is pending.

5. Considering the undertaking given by the learned counsel for the petitioners, the petitioners is directed to appear before the learned Subordinate Judge, Dharapuram, within a period of two weeks from today and to file a petition to recall NBW already issued against him. On filing of such petition, the concerned learned Subordinate Judge, Dharapuram, 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.

12.07.2022

Lpp



WEB COPY



Crl.OP.No. 16112 of 2022

G.K.ILANTHIRAIYAN, J.

Lpp

Crl.O.P.No. 16112 of 2022

12.07.2022