



Crl.OP.No.19331 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 147 IPC and Section 3(1) of TNPPDL Act, now the Sections are altered into Sections 148, 120B IPC and Sections 3(1) and 4 of TNPPDL Act, in Crime No.195 of 2013, seek anticipatory bail.

2. The petitioners are facing trial in S.C.79 of 2014 on the file of the Additional District and Sessions Court No.II, Salem, for the offences punishable under Sections 147 IPC and Section 3(1) of TNPPDL Act, now the Sections are altered into Sections 148, 120B IPC and Sections 3(1) and 4 of TNPPDL Act, and due to their non appearance, the trial Court issued Non-bailable warrant as against the petitioners on 01.03.2022. Hence, the petitioners filed this present petition.

3. The learned counsel appearing for the petitioners would submit that on 01.03.2022, due to illness, the petitioners were not able to appear



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before the Additional District and Sessions Court No.II, Salem, in respect of the case in S.C.No.79 of 2014 and hence, non bailable warrant has been issued against the petitioners. He would further submit that the said absence is neither willful nor wanton and he undertakes that the petitioners 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 petitioners on 01.03.2022 and the same is pending.

5. Considering the undertaking given by the learned counsel for the petitioners, the petitioners are directed to appear before the learned Additional District and Sessions Court No.II, Salem, within a period of two weeks from today and to file a petition to recall NBW already issued against them. On filing of such petition, the concerned learned Judicial Magistrate is directed to consider the same on merits and pass orders on the same day.



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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.

22.08.2022

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