



Crl.OP.No.20809 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 Sections 147, 148, 294(b), 324 & 379 of r/w.3(1) of Tamil Nadu Public Property (Prevention of Damage and Loss) Act. 1992, @ as Section 294(b) & 323 of I.P.C., & 3(1) of Tamil Nadu Public Property (Prevention of Damage and Loss) Act. 1992 in Crime No.30 of 2016, seeks anticipatory bail.

2. The petitioners are facing trial in S.C.Nos.44 and 73 of 2018 on the file of the learned Additional District Court, Mayiladuthurai, for the offences punishable under Sections Section 294(b) & 323 of I.P.C., & 3(1) of Tamil Nadu Public Property (Prevention of Damage and Loss) Act. 1992 and due to his non appearance, the trial Court issued Non-bailable warrant as against the petitioners on 04.04.2022 in S.C.No.73/2018 & 27.07.2022 in S.C.No.44/2018. Hence, the petitioners filed this present petition.



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3. The learned counsel appearing for the petitioners would submit that, due to miscommunication about the date of hearing, the petitioners were not able to appear before the learned learned Additional District Court, Mayiladuthurai, in respect of the case in S.C.Nos.44 and 73 of 2018 and hence, non bailable warrant had 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 had been issued against the petitioners on 04.04.2022 in S.C.No.73/2018 & 27.07.2022 in S.C.No.44/2018 and the same are pending.

5. Considering the undertaking given by the learned counsel for the petitioners, the petitioners are directed to appear before the learned Additional District Court, Mayiladuthurai, within a period of two weeks from today and to file a petition to recall NBW already issued against



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them. On filing of such petition, the concerned Judicial Magistrate 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.

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