



CrI.O.P.No.26639 of 2022

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WEB CO **A.D.JAGADISH CHANDIRA, J.**

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 406 and 420 IPC, 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 A2 in this case in Cr.No.3 of 2019 on the file of the learned Special Court for TNPID Cases, Coimbatore for the offences punishable under Sections 406, 420 IPC and 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, he filed this present petition.



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3. The learned counsel for the petitioner would submit that the petitioner was earlier approached this Court in Crl.O.P.No.16713 of 2022 and this Court vide order dated 19.07.2022 had directed the petitioner to appear before the Special Court for TNPID Cases, Coimbatore within a period of two weeks from 19.07.2022. However, due to his illness, the petitioner was unable to surrender, thereby, the present petition has been filed.

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. In view of the above, considering that the petitioner was unable to surrender in compliance with the earlier order and now that the petitioner has given an undertaking that he will appear before the learned Special Judge within a period of two weeks, this Court directs the petitioner to appear before the Special Court for TNPID cases, Coimbatore, within a period of two weeks from the date of receipt of a copy of this order and to file a petition to recall NBW already issued against him. On filing of such petition, the learned Special Judge, Special



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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. Accordingly, this Criminal Original Petition is disposed of.

30.11.2022

Anu



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