



CrI.O.P.No.26659 of 2022

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A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 120(b), 109 r/w 392 r/w 397 of IPC in P.R.C.No.43 of 2015, seeks anticipatory bail.

2.The learned counsel appearing for the petitioner would submit that the petitioner is arrayed as accused No.1 facing trial in P.R.C.No.43 of 2015 pending committal on the file of the Metropolitan Magistrate No.V, Egmore, Chennai. He would submit that the petitioner has filed a quash petition before this Court in CrI.O.P.No.16347 of 2022 and this Court by order dated 18.07.2022, had dispensed with the personal appearance of the petitioner. Pursuant to the same, the petitioner was represented by her counsel before the concerned Court on 17.10.2022 and the matter was listed before the trial Court and the learned counsel for the petitioner has filed an application under Section 317 Cr.P.C to condone the absence of the petitioner, whereas, the learned Magistrate ignoring the order passed by this Court, had dismissed the application and issued Non Bailable Warrant. He would submit that the order of issuance of Non Bailable



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Warrant is illegal and the petitioner is ready to surrender and execute the sureties. Hence, he prays for grant of anticipatory bail to the petitioner.

3.The learned Additional Public Prosecutor would submit that the petitioner is arrayed as accused No.1 in P.R.C.No.43 of 2015 on the file Metropolitan Magistrate No.V, Egmore, Chennai. Since the petitioner did not appear before the trial Court on 17.10.2022, the trial Court had issued Non Bailable Warrant of arrest against the petitioner. Hence, he opposed for grant of anticipatory bail to the petitioner.

4.Heard the learned counsel and perused the entire materials available on record.

5.Taking into consideration the facts and circumstances of the case and also the submissions made by the learned counsel, this Criminal Original Petition is disposed of with a direction to the petitioner to surrender before the trial Court on the next date of hearing and file an application for recalling the warrant and on such application filed by the



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petitioner, the learned trial Judge shall recall the warrant.

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22.11.2022

vkr

Note: Issue order copy on 24.11.2022

To

- 1.The Metropolitan Magistrate No.V,
Egmore, Chennai.



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