



Crl.O.P.No.27517 of 2022

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A.D.JAGADISH CHANDIRA, J.

The petitioner who apprehends arrest pursuant to the Non-Bailable Warrant issued by the learned trial Court in S.C.No.298 of 2021 on the file of the learned XVIII Additional District and Sessions Judge, Chennai in Crime No.1500 of 2012 on the file of the respondent police, seeks anticipatory bail.

2. The learned counsel for the petitioner would submit that the petitioner is A2 facing trial in S.C.No.298 of 2021 on the file of the learned XVIII Additional District and Sessions Judge, Chennai for the offences under Sections 392, 394 read with Section 392 of IPC. He would further submit that the petitioner did not appear before the Court on 23.08.2021 and thereby the trial Judge issued NBW against the petitioner. Pursuant to which, the petitioner apprehending arrest and seeks for anticipatory bail before this Court. He would further submit that the petitioner is ready to surrender before the trial Court and proceed with the trial.



Crl.O.P.No.27517 of 2022

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3. The learned Government Advocate (crl.side) appearing for the respondent would submit that the case has been registered in the year 2012 and the case was committed to the Court of Sessions and numbered as S.C.No.349 of 2012, since the petitioner did not appear before the trial Court, the case was splitted up and the trial has commenced in S.C.No.349 of 2015 for two other accused. He would further submit that, out of 25 witnesses, one witness has been examined . He would further submit that the petitioner did not appear before the Court on 23.08.2021 and thereby the trial Judge issued NBW against the petitioner. He would submit that the only options available to the petitioner is to surrender before the concerned Court and seek for recall of Non-Bailable Warrant and hence anticipatory bail cannot be maintained.

4. At this juncture, the learned counsel for the petitioner would submit that the petitioner is ready to surrender and recall the warrant. he would further submit that the petitioner undertakes to appear before the



CrI.O.P.No.27517 of 2022

trial Court on 21.11.2022 and file an application for recall of warrant.

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5. In view of the above, direction is issued to the petitioner to surrender on or before 21.11.2022 before the learned learned XVIII Additional District and Sessions Judge, Chennai and to file an application to recall the warrant. The learned trial judge is directed to consider the application 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.

14.11.2022

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Crl.O.P.No.27517 of 2022

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