



Crl.O.P.No.29733 of 2022

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**G.K.ILANTHIRAIYAN, J.**

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 120(b), 302, 380, 449, 34 I.P.C and 202, 120 r/w 302, 449, 380 of IPC in Crime No.1254 of 2009, seeks anticipatory bail.

2. The petitioner is facing trial in S.C. 32 of 2017 on the file of the learned XVIII Additional Sessions Court, Chennai for the offences punishable under Sections 120(b), 302, 380, 449, 34 of I.P.C and 202, 120 r/w 302, 449, 380 of IPC of I.P.C., and due to his non appearance, the trial Court had issued Non-bailable warrant as against the petitioner on 22.07.2021. Hence, the petitioner filed this present petition.

3. The learned counsel appearing for the petitioner would submit that on 22.07.2021, due to illness, the petitioner was not able to appear before the trial Court in respect of the case in S.C. 32 of 2017 and hence,



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non bailable warrant has been issued against the petitioner. He would further submit that the said absence is neither willful nor wanton and he undertakes that the petitioner shall appear before the Court below regularly on all future hearing dates without fail.

4. The learned Additional Public Prosecutor appearing for the respondent police would submit that the non bailable warrant has been issued against the petitioner on 22.07.2021 and the same is pending.

5. Considering the undertaking given by the learned counsel for the petitioner, the petitioner is directed to appear before the learned XVIII Additional Sessions Judge, Chennai within a period of two weeks from today and to file a petition to recall NBW already issued against him. 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. Accordingly, this criminal original petition is disposed of.

02.12.2022

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**G.K.ILANTHIRAIYAN, J.**



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