



Crl.O.P.No.30367 of 2022

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T.V.THAMILSELVI, J.

The petitioners who apprehend arrest for the alleged offence under Sections 276 C(1), 277 r/w 278 and 278B of the Income Tax Act in EOCC No.27 of 2014 on the file of the respondents, seeks anticipatory bail.

2.The petitioners is facing trial in E.O.C.C No. 27 of 2014 on the file of the learned Additional Chief Metropolitan Magistrate, EO-I, Egmore, Chennai, for the offences under Sections 276 C(1), 277 r/w 278 and 278B of the Income Tax Act and due to his non appearance, the Trial Court issued Non- Bailable Warrant as against the petitioners. Hence the present petition.

3.The learned counsel appearing for the petitioners submits that due to illness, the petitioners were not able to appear before the Additional Chief Metropolitan Magistrate, EO-I, Egmore, Chennai, in respect of the case in E.O.C.C No. 27 of 2014 and hence, Non Bailable warrant was issued against the petitioners. Further, he submits that said absence is neither willful nor wanton and he undertake that the petitioner shall appear before the court below regularly on all future hearing dates without fail and also ready to surrender their passport.



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4.The **learned Government Advocate (Crl. side)** submits that Non

—Bailable warrant was issued against the petitioner 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 Additional Chief Metropolitan Magistrate, EO-I, Egmore, Chennai, 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 and **shall surrender their passport**. On filing of such petition, the concerned learned 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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