



Crl.O.P.No.5434 of 2023

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A. D. JAGADISH CHANDIRA, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 420 and 506 (ii) of IPC in Crime No.2377 of 2011 on the file of the respondent police in C.C.No.182 of 2012 on the file of the learned Judicial Magistrate, Dharapuram, Tiruppur District, seek anticipatory bail.

2. It is a case of jumped bail. The petitioners apprehend arrest pursuant to the Non Bailable Warrant issued against him.

3. The learned counsel appearing for the petitioners would submit that the petitioners are accused and facing trial in C.C.No.182 of 2012 on the file of the learned Judicial Magistrate, Dharapuram, Tiruppur District for the offences under Sections 420 and 506 (ii) of IPC. He would submit that the petitioners were regularly appearing before the Court and on 22.08.2017, due to illness, the petitioners could not appear before the



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Court and thereby, the trial Court has issued Non Bailable Warrant of arrest against the petitioners. He would further submit that the said absence is neither willful nor wanton and he undertakes that the petitioners will appear before the trial Court regularly on all future hearing dates without fail.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that this is the case of the year 2012. The petitioners did not appear before the trial Court on 22.08.2017 and therefore, Non Bailable Warrant of arrest was issued against the petitioners and that the petitioners have been absconding for the past five years. He would submit that due to the abscondance of the petitioners, the trial Court is unable to proceed with the trial. He would further submit that the only option available to the petitioners is that they have to surrender before trial Court and to file an application to recall the Non Bailable Warrant issued against them.

5. Heard both sides and perused the materials available on record.



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6. Considering the above facts and circumstances, the petitioners are directed to appear before the learned **Judicial Magistrate, Dharapuram, Tiruppur District**, 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 Judge is directed to consider the same on merits and pass orders on the same day. It is made clear that no positive direction has been given by this Court.

7. This criminal original petition is disposed of accordingly.

20.04.2023

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