



Crl.O.P.No.5593 of 2023

A.D.JAGADISH CHANDIRA, J.,

The petitioners, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 395 and 397 of IPC in Crime No.2239 of 2015, seeks anticipatory bail.

2. The learned counsel for the petitioner would submit that the petitioners are respectively A1 and A2 facing trial in SC.No.152 of 2021 on the file of XVI Additional Judge, City Civil Court, Chennai for the offences under Sections 395 and 397 of IPC. She would submit that the petitioners have been regularly appearing before the trial Court on all hearing dates. Whereas, the first petitioner was unable to appear before the trial Court on 03.01.2023 and the second petitioner was unable to appear before the Court on 20.12.2022, thereby the learned trial Judge issued NBW against them, the petitioners have all along been regularly appearing and they are ready to appear before the trial Court and furnish surety. Hence, she prays for grant of anticipatory bail to the petitioners.



3. The learned Government Advocate (Crl.side) would submit that the petitioners have not appeared before the trial Court on 03.01.2023 and 20.12.2023, hence, the learned trial judge issued NBW against them. The option available to the petitioner is to surrender before the concerned Court and to file petition seeking to recall the warrant. He would submit that the case is posted on 06.04.2023 for framing of charges, due to the absence of the petitioners, the trial Judge is unable to frame charges and to proceed with the trial.

4. Taking into consideration, the facts and circumstances a direction is issued to the petitioners to surrender before the trial Court and to file an petition seeking to recall the warrant. The learned Judge shall consider and pass orders on the the petition filed by the petitioners on the same day of surrender, taking into consideration the merits of the case.

5. With the above directions, the criminal original petition stands closed.

17.03.2023.

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