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Crl.O.P.No.6167 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioner who apprehends arrest in pursuance to the Non-Bailable Warrant dated 01.11.2021 issued by the learned Judicial Magistrate No.II, Poonamallee for the offence under Sections 147, 148, 149, 341, 307 of IPC, 1861 P.R.C.No.31 of 2016 seeks anticipatory bail.

2. The learned counsel appearing for the petitioners would submit that the petitioners are arrayed as Accused Nos.7 and 8 in PRC.No.31 of 2016 pending committal on the file of the Judicial Magistrate No.II, Poonamallee. The petitioners have been regularly appearing before the Court and since the respondent police registered another case against the petitioners they were unable to appear before the Court, thereby the learned Magistrate had issued Non Bailable Warrant of arrest on 01.11.2021 and thereby apprehending arrest, the present petition has been filed seeking for anticipatory bail to the petitioner.



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3. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioners are habitual offenders against whom there are 16 previous cases are pending.

4. Taking into consideration the facts and submissions, the only option for the petitioners is to surrender before the learned Judicial Magistrate No.2, Poonamallee/Committal Magistrate, and to file a petition to recall NBW already issued against them. 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 itself.

5. This Criminal Original Petition is disposed of accordingly.

21.03.2023

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