



Crl.O.P.No.6605 of 2023

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**A.D.JAGADISH CHANDIRA.J.**

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Section 138 of Negotiable Instruments Act, in C.C.No.2230 of 2022 on the file of the III FTC Metropolitan Magistrate, Saidapet, Chennai, seeks anticipatory bail.

2. It is a case of jumped bail. The petitioner apprehends arrest pursuant to an Non Bailable Warrant issued against him on 23.01.2023.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an accused and facing trial in C.C.No.2230 of 2022 on the file of the III FTC Metropolitan Magistrate, Saidapet, Chennai, for the offence under Section 138 of Negotiable Instruments Act. The petitioner was regularly appearing before the Court and on 23.01.2023, due to illness, the petitioner was unable not appear before the Court. He would submit that the alleged offence is bailable in nature. However, the learned Magistrate has issued Non Bailable Warrant against the petitioner and therefore, the petitioner apprehends arrest at the hands of the respondent police. He would also submit that the said absence is neither willful nor wanton and he undertakes that the petitioner will appear



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before the Court below regularly on all future hearing dates without fail and ready to co-operate for the speedy disposal of the trial. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would submit that on 23.01.2023, the petitioner did not appear before the trial Court and therefore, the learned Magistrate has issued Non Bailable Warrant against the petitioner. He would further submit that the option available to the petitioner is that he has to surrender before the trial Court and to file an application to recall the Non Bailable Warrant issued against him.

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

6. Considering the above facts and circumstances, the petitioner is directed to appear before the III FTC Metropolitan Magistrate, Saidapet, 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 Judge is directed to consider the same on merits and pass orders on the same day.



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7. This Criminal Original Petition is disposed of accordingly.

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**20.04.2023**



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