



Crl.O.P.No.7644 of 2023

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A.D.JAGADISH CHANDIRA,J.

The petitioner, who apprehends arrest at the hands of the respondent police in respect of the non-bailable warrant issued in C.C.No.126 of 2018 on the file of the learned Judicial Magistrate, Tittagudi for the offences punishable under Sections 147, 341, 363, 506(ii) of IPC r/w 149 of IPC and Section 4 r/w 3 of TNWH Act in Crime No.165 of 2007, seeks anticipatory bail.

2. The learned counsel for the petitioner would submit that the petitioner is accused No.5 facing trial in C.C.No.126 of 2018 on the file of the Judicial Magistrate, Tittagudi. He would further submit that the petitioner has been all along regularly appearing before the Court, due to his illness, he was unable to appear before the Court on 07.09.2022 and thereby, the learned trial Judge has issued a Non Bailable Warrant. He would also submit that the petitioner is ready to co-operate for speedy disposal of the case and hence, he prays for grant of anticipatory bail to the petitioner.



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3.The learned Government Advocate (crl.side) would submit that the petitioner did not appear before the Court and the trial Court had issued Non Bailable Warrant of arrest against the petitioner on 07.09.2022. He would submit that the option available for the petitioner is surrender before the concerned Court and file an application for recalling the warrant. He would also submit that the case stands posted today i.e., 12.04.2023 for appearance of the accused. Hence, he opposed for grant of anticipatory bail to the petitioner.

4.Heard the learned counsel for the petitioner and the learned Government Advocate (crl.side) and perused the entire materials available on record.

5.Taking into consideration the facts and circumstances of the case and also the submissions made by the learned counsel, this Criminal Original Petition is disposed of with a direction to the petitioner to surrender before the trial Court and file an application to recall the Non Bailable Warrant and on such filing, the learned Magistrate shall consider and pass an order on the same day of surrender taking into



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consideration the merits of the case.

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