



Crl.O.P.No.7868 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 offences punishable under Sections 201, 397, 302, 34 and 414 of IPC in Crime No.389 of 2012 on the file of the respondent police in S.C.No.442 of 2017 on the file of the Additional District Judge No.III, Vridhachalam, seeks anticipatory bail.

2. It is a case of jumped bail. The petitioner apprehends arrest pursuant to the Non Bailable Warrant issued against him on 04.01.2019.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an accused and facing trial in S.C.No.442 of 2017 on the file of the Additional District Judge No.III, Vridhachalam. On 04.01.2019, due to illness, the petitioner was unable not appear before the trial Court. Hence, the learned Magistrate has issued Non Bailable Warrant against the petitioner. He would further submit that the said absence is neither willful nor wanton and he undertakes that the petitioner will appear before the trial Court regularly on all future hearing dates without fail.



4. The learned Government Advocate (Crl. Side) would submit that it is the case of the year 2012 and there are totally 5 accused in this case and that the petitioner is arrayed as A3. He further submitted that due to absence of the accused, the case against the other accused has been split up and the same is pending in S.C.No.381 of 2017. Since the petitioner has been absconding from the year 2019, anticipatory bail cannot be granted to the petitioner and the only option available to the petitioner is that he has to surrender before 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 learned **Additional District Judge No.III, Vridhachalam**, 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.



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7. This criminal original petition is disposed of accordingly.

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20.04.2023



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