



Crl.O.P.No.8564 of 2023

A.D.JAGADISH CHANDIRA, J.,

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Section 379 of IPC, in C.C.No.133 of 2009, pending on the file of the learned Judicial Magistrate, Palladam, in connection with Crime No.191 of 2007, seeks anticipatory bail.

2. Learned counsel appearing for the petitioner submitted that the petitioner (A2) is facing trial in C.C.No.133 of 2009 pending on the file of learned Judicial Magistrate, Palladam. He further submitted that the petitioner has been arrested in another case registered by the Kamanaickenpalayam Police Station, Palladam Sub Division and it has also been taken up in S.C.No.219 of 2008, in which, the petitioner has been convicted and he was detained in Central Jail, Coimbatore from 30.09.2009 to 29.09.2013, during such time, the respondent did not take any steps to produce the petitioner under PT warrant and the trial Court, even without issuing summons to the petitioner has straight away issued a non-bailable



warrant of arrest in C.C.No.133 of 2009. He also submitted that the petitioner was unaware of the warrant issued against him and now, he is ready to appear before the trial Court and also to co-operate for speedy disposal of the trial. Hence, he prays for grant of anticipatory bail to the petitioner.

3. Learned Government Advocate (Crl.side) submitted that the petitioner, who is an accused (A2) facing trial in C.C.No.133 of 2009, pending on the file of the learned Judicial Magistrate, Palladam. He further submitted that a Non-Bailable Warrant of arrest is pending as against the petitioner from 28.04.2009 and in meanwhile, he was convicted in a case registered by the Kamanaickenpalayam Police Station, Palladam Sub Division. He further submitted that the only option available to the petitioner is to surrender before the Court concerned and to file petition seeking to recall the warrant and therefore the petition for anticipatory bail may not be maintainable. Hence, he object for grant of anticipatory bail.

4. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) for the respondents and perused the materials available on record.



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5. Considering the above facts and circumstances of the case and the submissions made on both sides, a direction is issued to the petitioner to surrender before the trial Court and to file an application seeking to recall the warrant and the learned Trial Judge, taking into consideration the merits of the case, shall pass orders on the petition on the same day of his surrender.

6. With the above directions, the Criminal Original Petition stands disposed of.

24.04.2023.

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