



**Crl.O.P.No.8528 of 2023**

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

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 120(B)& 364 of IPC, in S.C.No.441 of 2016, pending on the file of the learned Additional District Judge No.II, Salem, in connection with Crime No.1298 of 2009, seeks anticipatory bail.

2. Learned counsel appearing for the petitioner submitted that the petitioner (A2) is facing trial in S.C.No.441 of 2016 pending on the file of learned Additional District Judge No.II, Salem. He further submitted that the petitioner has been regularly appearing before the trial Court on all hearing dates, while so, since he was suffering from kidney ailment, he was unable to appear before the trial Court on 27.06.2019, thereby, a Non Bailable Warrant was issued by the trial Court, against him. He also submitted that the petitioner is ready to appear before the trial Court and also he is ready to co-operate for speedy disposal of the trial. Hence, he prays for grant of anticipatory bail to the petitioner.



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3. Learned Government Advocate (Crl.side) submitted that since the petitioner, who is an accused (A2) facing trial in S.C.No.441 of 2016, pending on the file of the learned Additional District Judge No.II, Salem, has failed to appear before the trial Court on 27.06.2019, the trial Court has issued a Non-Bailable Warrant of arrest against him. 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, the 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.

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



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consideration the merits of the case, shall pass orders on the petition on the same day of his surrender.

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

*ham/jas*

**24.04.2023.**



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

*ham/jas*

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