



Crl.O.P.No.9782 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 498(A), 406, 506(1) of IPC and Section 4 of Tamil Nadu Prohibition of Woman Harassment Act, in Crime No.14 of 2012 on the file of the respondent police in C.C.No.86 of 2013 on the file of the Judicial Magistrate No.1, Poonamallee, seeks anticipatory bail.

2. The petitioner apprehends arrest pursuant to the Non Bailable Warrant issued against him on 21.07.2016.

3. The learned counsel appearing for the petitioner would submit that the petitioner was earlier granted anticipatory bail and subsequently, the dispute between the petitioner and the defacto complainant was settled out of Court and that the petitioner was assured that the case filed against him would be withdrawn and believing the same, the petitioner left India. But the case was not withdrawn and thereby, NBW was issued against the petitioner on 21.07.2016. He would submit that the said absence is



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neither willful nor wanton. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would submit that it is the case of the year 2013. The petitioner did not appear before the trial Court and therefore, the learned Magistrate, took action against the sureties and subsequently, they also paid the amounts. When Non Bailable Warrant is pending, 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 **Judicial Magistrate No.1, Poonamallee**, 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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