



Crl.O.P.No.9612 of 2023

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S.SOUNTHAR, J

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Section 379 of IPC in Crime No.1101 of 2016 pending trial in CC.No.5505 of 2017 before the file of the learned XVIII Metropolitan Magistrate, Saidapet, Chennai seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with others alleged to have committed theft of cell phone from the defacto complainant. Hence the complaint.

3. The learned counsel for the petitioner would submit that on 14.05.2018, due to the illness, the petitioner was not able to appear before the learned XVIII Metropolitan Magistrate, Saidapet in respect of the case in Cr.No.1101 of 2016 in CC.No.5505 of 2017 and hence, warrant has been issued against the petitioner. He would further submit that the said absence is neither willful nor wanton and he undertakes that the petitioner shall appear before the Court below regularly on all future hearing dates without fail.



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4. The learned Government Advocate (Crl.Side) would submit that submit that due to the non appearance of the petitioner on 14.05.2018, non bailable warrant has been issued against him on the same day. Hence, he opposed for grant of anticipatory bail to the petitioner.

5.In view of the above, this Court is not inclined to grant anticipatory bail to the petitioner. However, a direction is issued to the petitioner to surrender and file an application for recalling the Non Bailable Warrant and the learned trial Judge is directed to consider and pass orders on the same day taking into consideration the merits of the case.

6.With the above direction, this petition stands disposed of.

05.05.2023

Vv



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