



CrI.O.P.No.9655 of 2023

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S. SOUNTHAR, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 294(b) and 506(i) of I.P.C. and Section 7 read with 8 of Protection of Child from Sexual Offences Act, 2012, in Crime No.6 of 2020 on the file of the respondent police, in Spl.S.C.No.17 of 2021 on the file of the learned Sessions Judge, POCSO Court, Chengalpattu, seeks anticipatory bail.

2. It is a case of jumped bail. The petitioner apprehends arrest pursuant to a Non Bailable Warrant issued against him on 23.09.2021.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an accused and facing trial in Spl.S.C.No.17 of 2021 on the file of the learned Sessions Judge, POCSO Court, Chengalpattu. He further submitted that the petitioner was affected with Corona and he was bedridden. Due to which, he was unable to contact his counsel. Hence, he could not appear before the trial Court on 23.09.2021 and till date the Non-Bailable Warrant is pending against the petitioner. He would submit that the



CrI.O.P.No.9655 of 2023

said absence is neither willful nor wanton and he undertakes that the petitioner will appear before the Court below regularly on all future hearing dates without fail and ready to co-operate for the speedy disposal of the trial. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would submit that on 23.09.2021, the petitioner did not appear before the trial Court and therefore, the learned Magistrate has issued Non Bailable Warrant against the petitioner and same is still pending. He would further submit that the option available to the petitioner is that he has to surrender before the trial Court and to file an application to recall the Non Bailable Warrant issued against him.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondent police and perused the materials available on record.

6. Considering the above facts and circumstances, the petitioner is directed to appear/surrender before the learned Sessions Judge, POCSO



CrI.O.P.No.9655 of 2023

Court, Chengalpattu, 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 in accordance with law on the same day.

7. This Criminal Original Petition is disposed of accordingly.

04.05.2023

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