



CrI.O.P.No.10626 of 2023

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K.KUMARESH BABU, J.

The petitioner who apprehends arrest at the hands of the respondent Police for the offence punishable under Section 379 of I.P.C. in Crime No.63 of 2008, seeks anticipatory bail.

2. The petitioner is facing trial in C.C.No.356 of 2013 on the file of the learned Judicial Magistrate, Dharapuram for offences punishable under Section 379 of I.P.C. and due to his non appearance, the trial Court issued Non-Bailable Warrant as against him on 10.02.2014. Hence, the petitioner has filed the present petition.

3. The learned counsel for the petitioner would submit that on 10.02.2014, the petitioner was out of station due to his employment and he was not able to appear before the learned Judicial Magistrate, Dharapuram in respect of the case in C.C.No.356 of 2013 and hence, Non-Bailable Warrant has been issued against the petitioner. He would



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further submit that the said absence of the petitioner 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.

4. The learned Government Advocate (CrI.Side) appearing for the respondent Police would submit that the Non-Bailable Warrant has been issued against the petitioner on 10.02.2014 and the same is pending.

5. Considering the undertaking given by the learned counsel for the petitioner, the petitioner is directed to appear before the learned Judicial Magistrate, Dharapuram, within a period of two weeks from today and to file a petition to recall the Non-Bailable Warrant which was already issued against him. On filing of such petition, the concerned learned Judicial Magistrate is directed to consider the same on merits and pass orders on the same day.

6. It is made clear that while considering such recall petition, the Court below shall bear in mind about the period of Non-Bailable Warrant



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and any crime committed by the petitioner while pending Non-Bailable Warrant. Mere direction issued by this Court to consider the application on the same day does not amount to direction to consider the recall petition favourably.

7. This Criminal Original Petition is disposed of with the above observations.

17.05.2023



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