



CrI.O.P.No.9988 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 364(A), 304, 377 read with 120(b) of I.P.C., in Crime No.652 of 2009 on the file of the respondent police, in S.C.No.491 of 2016 on the file of the learned III Additional District Judge, Salem, 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 02.08.2021.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an accused and facing trial in S.C.No.491 of 2016 on the file of the learned III Additional District Judge, Salem. He further submitted that the petitioner is a cooli on daily wages, hence, he could not appear before the trial Court on 02.08.2021. He would submit that the 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



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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 02.08.2021, the petitioner did not appear before the trial Court and therefore, the learned Magistrate has issued Non Bailable Warrant against the petitioner. 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 III Additional District Judge, Salem, 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



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concerned learned Judge is directed to consider the same on merits and pass orders in accordance with law on the same day.

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7. This Criminal Original Petition is disposed of accordingly.

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