



Crl.O.P.No.10362 of 2023

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S. SOUNTHAR, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offence punishable under Section 379 of I.P.C. in Crime No.150 of 2013 on the file of the respondent police, in C.C.No.50 of 2014 on the file of the learned Judicial Magistrate, Dharapuram, Tiruppur District seek anticipatory bail.

2. The petitioners apprehend arrest pursuant to a Non Bailable Warrant issued against them.

3. The learned counsel appearing for the petitioners would submit that the petitioners are accused and facing trial in C.C.No.50 of 2014 on the file of the learned Judicial Magistrate, Dharapuram, Tiruppur District. He further submitted that at the time of hearing on 30.03.2023, the petitioners were unable to appear before the trial Court and till date the Non-Bailable Warrant is pending against the petitioners. He would submit that the said absence is neither willful nor wanton and he undertakes that the petitioners 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 petitioners.

4. The learned Government Advocate (Crl. Side) would submit that at the time of hearing the petitioners did not appear before the trial Court and therefore, the learned Magistrate has issued Non Bailable Warrant against the petitioners on 30.03.2023 and same is still pending. He would further submit that the option available to the petitioners is that they have to surrender before the trial Court and to file an application to recall the Non Bailable Warrant issued against them.

5. Heard the learned counsel for the petitioners 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 petitioners are directed to appear/surrender before the learned Judicial Magistrate, Dharapuram, Tiruppur District within a period of two weeks from today and to file a petition to recall NBW already issued against them. On filing of



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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.

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7. This Criminal Original Petition is disposed of accordingly.

rsi/gm

05.05.2023



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