



Crl.O.P.No.10393 of 2023

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WEB C **S. SOUNTHAR, J.**

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 498(A), 406, 507(ii) of I.P.C. and Section 4 of Dowry Prohibition Act in C.C.No.1 of 2016 on the file of the learned Judicial Magistrate, Fast Track Court, Coonoor seeks anticipatory bail.

2. The petitioner apprehends arrest pursuant to a Non Bailable Warrant issued against her.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an accused and facing trial in C.C.No.1 of 2016 on the file of the learned Judicial Magistrate, Fast Track Court, Coonoor. He further submitted that the petitioner was not in India and already she was in U.S.A. in her daughter's house. Since the respondent police filed an absconding charge sheet, the learned Magistrate has issued Non Bailable Warrant against the petitioner and till date the Non-Bailable Warrant is pending against the petitioner. He would submit that the said absence is neither willful nor



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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 at the time of hearing the petitioner did not appear before the trial Court and therefore, the learned Magistrate has issued Non Bailable Warrant against the petitioner on 28.04.2023 and same is still pending. He would further submit that the option available to the petitioner is that she has to surrender before the trial Court and to file an application to recall the Non Bailable Warrant issued against her.

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 Judicial Magistrate, Fast



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Track Court, Coonoor, Nilgiri District within a period of two weeks from today and to file a petition to recall NBW already issued against her. 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.

rsi/gm

05.05.2023



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