



Crl.O.P.No.10632 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 394 of I.P.C., in Crime No.226 of 2017 on the file of the respondent police, in S.C.No.195 of 2018 on the file of the Sub Court, Ulundurpet, Villupuram District, seeks anticipatory bail.

2. The petitioner apprehends arrest pursuant to a Non Bailable Warrant issued against him on 27.04.2022.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an accused and facing trial in S.C.No.195 of 2018 on the file of the learned Sub Court, Ulundurpet, Villupuram District. He further submitted that the petitioner, due to ill-health, could not appear before the trial Court on 27.04.2022 and till date the Non-Bailable Warrant is pending against the petitioner. 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 without fail and ready



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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 27.04.2022, 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 Sub Court, Ulundurpet, Villupuram District, 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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This Criminal Original Petition is disposed of accordingly.

gm/rsi

05.05.2023



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