



**Crl.O.P.No.10693 of 2023**

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**K.GOVINDARAJAN THILAKAVADI, J.,**

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 147, 148, 341, 302, 307, 120(B) read with 109, 114, 149 of IPC, and facing trial in S.C.No.156 of 2022, pending on the file of the III Additional District Sessions Court, Chengalpattu, in connection with Crime No.55 of 2022 seeks anticipatory bail.

2. Learned counsel appearing for the petitioner submitted that the petitioner/A5 is facing trial in S.C.No.156 of 2022 on the file of the III Additional District Sessions Court, Chengalpattu, for the offences under Sections 147, 148, 341, 302, 307, 120(B) read with 109, 114, 149 of IPC. He further submitted that the petitioner has been regularly appearing before the trial Court on all hearing dates. He further submitted that the petitioner was unaware of the next date of hearing and the conditions imposed on his bail petition. Therefore, the petitioner was unable to appear before the trial



Court on 03.02.2023, thereby, a Non Bailable Warrant was issued by the trial Court, against him on 03.02.2023. He also submitted that the petitioner is ready to appear before the trial Court and and also he is ready to co-operate for speedy disposal of the trial. Hence, he prays for grant of anticipatory bail to the petitioner.

3. Learned Additional Public Prosecutor submitted that the petitioner, who is an accused (A5) facing trial in S.C.No.156 of 2022 pending on the file of the III Additional District Sessions Court, Chengalpattu, has failed to appear before the trial Court on 03.02.2023, the trial Court has issued a Non-Bailable Warrant of arrest against him. He also submitted that due to the absence of the petitioner, the trial Judge is unable to frame charges and to proceed with the trial and now the case stands posted on 05.06.2023 for framing of charges. He further submitted that the only option available to the petitioner is to surrender before the Court concerned and to file petition seeking to recall the warrant and therefore the petition for anticipatory bail may not be maintainable. Hence, he object for grant of anticipatory bail.



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4. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) for the respondents and perused the materials available on record.

5. Considering the above facts and circumstances of the case and the submissions made on both sides, a direction is issued to the petitioner to surrender before the trial Court and to file an application seeking to recall the warrant and the learned Trial Judge, taking into consideration the merits of the case, shall pass orders on the petition on the same day of his surrender.

6. With the above directions, the Criminal Original Petition stands disposed of.

**10.05.2023.**

*nti/nr*



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