



Crl.O.P.No.11064 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 120(B), 147, 148, 324, 307 and 506(ii) of I.P.C. and Section 3(1) of Tamil Nadu Prevention of Damage to Public Property Act, 1984 in S.C.No.3 of 2022, pending on the file of the learned District and Sessions Judge, Mayiladuthurai, Mayiladuthurai District in connection with Crime No.582 of 2018, seeks anticipatory bail.

2. Learned counsel appearing for the petitioner submitted that the petitioner (A12) is facing trial in S.C.No.3 of 2022 on the file of learned District and Sessions Judge, Mayiladuthurai, Mayiladuthurai District for the offences under Sections 120(B), 147, 148, 324, 307 and 506(ii) of I.P.C. and Section 3(1) of Tamil Nadu Prevention of Damage to Public Property Act, 1984. He further submitted that at the time of hearing on 21.02.2023, the petitioner was unable to appear before the trial Court, thereby, a Non Bailable Warrant was issued by the trial Court, against him. He also



submitted that the petitioner is ready to appear before the trial Court and also he is ready to co-operate for speedy disposal of the trial. Hence, she prays for grant of anticipatory bail to the petitioner.

3. Learned Government Advocate (Crl.side) submitted that since the petitioner, who is an accused (A12) facing trial in S.C.No.3 of 2022, pending on the file of the learned District and Sessions Judge, Mayiladuthurai, Mayiladuthurai District has failed to appear before the trial Court on 21.02.2023, 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 proceed with the trial. He further submitted that the only option available to the petitioner is to surrender before the trial Court concerned and to file a 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.

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



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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.

11.05.2023

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