



**Crl.O.P.No.10917 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 Section **304(A) of IPC**, pending on the file of the **learned Judicial Magistrate No.II, Poonamallee**, in connection with Crime No.215 of 2015, seeks anticipatory bail.

2. Learned counsel appearing for the petitioner submitted that the petitioner (A2) is facing trial in C.C.No.427 of 2016 on the file of **learned Judicial Magistrate No.II, Poonamallee**, for the offence under Section **304(A) of IPC**. He further submitted that due to personal inconvenience, he 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 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.



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3. Learned Additional Public Prosecutor for the respondent police submitted that the petitioner, who is an accused (A2) facing trial in C.C.No.427 of 2016 pending on the file of the learned **Judicial Magistrate No.II, Poonamallee**, has failed to appear before the trial Court. Hence, 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 06.06.2023. 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 objected for grant of anticipatory bail.

4. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor for the respondent 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



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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.**

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