



Crl.O.P.No.11180 of 2023

WEB COPY

K.KUMARESH BABU, J.,

The petitioners, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 147, 148, 294(b), 332, 307, 506(ii) of IPC and Section 3(1) of Tamil Nadu Public Property (prevent of damage and loss) Act 1992 and facing trial in PRC.No.02 of 2023 pending on the file of the District Munsif cum Judicial Magistrate, Needamangalam, Thiruvarur District, in connection with Crime No.544 of 2021, seek anticipatory bail.

2. Learned counsel appearing for the petitioners submitted that the petitioners/A4 and A5 are facing trial in PRC.No.02 of 2023 pending on the file of the District Munsif cum Judicial Magistrate, Needamangalam, Thiruvarur District, for the offences under Sections 147, 148, 294(b), 332, 307, 506(ii) of IPC and Section 3(1) of Tamil Nadu Public Property (prevent of damage and loss) Act 1992. He further submitted that due to illness the petitioners were unable to appear before the trial Court, thereby, a Non



Bailable Warrant was issued by the trial Court, against them on 19.04.2023.

He also submitted that the petitioners are ready to appear before the trial Court and and also they are ready to co-operate for speedy disposal of the trial. Hence, he prays for grant of anticipatory bail to the petitioners.

3. Learned Government Advocate (Crl. Side) submitted that the petitioners are accused (A4 & A5) facing trial in PRC.No.02 of 2023 pending on the file of the District Munsif cum Judicial Magistrate, Needamangalam, Thiruvarur District, have failed to appear before the trial Court and the trial Court has issued a Non-Bailable Warrant of arrest against them. He also submitted that due to the absence of the petitioners, the trial Judge is unable to frame charges and to proceed with the trial. He further submitted that the only option available to the petitioners are 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.



WEB COPY

Crl.O.P.No.11180 of 2023



4. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl.Side) 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, the petitioners are directed to appear before the learned District Munsif cum Judicial Magistrate, Needamangalam, Thiruvarur District, within a period of two weeks from today 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.

17.05.2023.

nti/nr



WEB COPY



Crl.O.P.No.11180 of 2023

K.KUMARESH BABU, J.,

nti/nr

Crl.O.P.No.11180 of 2023

17.05.2023