



Crl.OP.No.11368 of 2023

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K.KUMARESH BABU, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 304 A of I.P.C., in Crime No.215 of 2015, seeks anticipatory bail.

2. The petitioner is facing trial in C.C.No.427 of 2016 on the file of the learned Judicial Magistrate II, Poonamallee, offences punishable under Section 304 A of I.P.C., and due to his non appearance, the trial Court issued Non-bailable warrant as against the petitioner in the year 2021. Hence, the petitioner filed this present petition.

3. The learned counsel appearing for the petitioner would submit that during the year 2021, due to illness, the petitioner was not able to appear before the learned Judicial Magistrate II, Poonamallee, in respect of the case in C.C.No.427 of 2016 and



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hence, non bailable warrant has been issued against the petitioner. He would further submit that the said absence is neither wilful nor wanton and he undertakes that the petitioner shall appear before the Court below regularly on all future hearing dates without fail.

4. The learned Additional Public Prosecutor would submit that the non bailable warrant has been issued against the petitioner in the year 2021 and the same is pending.

5. Considering the undertaking given by the learned counsel for the petitioner, the petitioner is directed to appear before the learned Judicial Magistrate II, Poonamallee, 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 concerned learned Judicial Magistrate is directed to consider the same on merits and pass orders on the same day.



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6. It is made clear that while considering the petition to recall, the Court below shall bear in mind about the period of Non Bailable Warrant and any crime committed while pending Non Bailable Warrant. Mere direction issued by this Court to consider the application on the same day does not amount to direction to consider the recall petition favourably.

7. This criminal original petition is disposed of accordingly.

17.05.2023

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