



Crl.OP.No.11364 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 302 r/w.34 of I.P.C., in Crime No.318 of 2018, seeks anticipatory bail.

2. The petitioner is facing trial in C.C.No.190 of 2019 on the file of the learned XX Additional City Civil Court, Chennai, offences punishable under Section 302 of I.P.C., and due to his non appearance, the trial Court issued Non-bailable warrant as against the petitioner on 07.01.2021. Hence, the petitioner filed this present petition.

3. The learned counsel appearing for the petitioner would submit that on 07.01.2021, due to illness, the petitioner was not able to appear before the learned XX Additional City Civil Court,



Crl.OP.No.11364 of 2023

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Chennai, in respect of the case in C.C.No.190 of 2019 and 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 on 07.01.2021 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 XX Additional City Civil Court, Chennai, 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



CrI.OP.No.11364 of 2023

same on merits and pass orders on the same day.

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

rka/dna



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Crl.OP.No.11364 of 2023

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Crl.O.P.No.11364 of 2023

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