

**CrI.O.P.No.11505 of 2023****K.KUMARESH BABU, J.**

WEB COPY

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 341, 323, 302 r/w 34 of I.P.C., in Crime No.171 of 2009, seeks anticipatory bail.

2. The petitioner is facing trial in S.C.No.276 of 2009 on the file of the learned Additional District and Sessions Court, Chengalpattu for the offences punishable under Sections 341, 323, 302 r/w 34 of I.P.C., and due to his non appearance, the trial Court issued Non-bailable warrant as against the petitioner on 29.07.2016. Hence, the petitioner filed this present petition.

3. The learned counsel appearing for the petitioner would submit that on 29.07.2016, due to leg fracture, the petitioner was not able to appear before the learned Additional District and Sessions Judge, Chengalpattu in respect of the case in S.C.No.276 of 2009 and hence, non bailable warrant has been issued against the petitioner. He would further submit that the said absence is neither willful nor wanton and he undertakes that the petitioner shall appear before the Court below regularly on all future hearing dates without fail.



WEB COPY

4. The learned Government Advocate (Cr1. Side) would submit that the non bailable warrant has been issued against the petitioner on 29.07.2016 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 Additional District and Sessions Judge, Chengalpattu, 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 Judge is directed to consider the 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.

18.05.2023



WEB COPY

Crl.O.P.No.11505 of 2023



K.KUMARESH BABU, J.

krk / lok

Crl.O.P.No.11505 of 2023

18.05.2023