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Crl.O.P.No.13384 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioner who apprehends arrest in pursuance to the Non-Bailable Warrant dated 04.11.2022 issued by the learned Judicial Magistrate No.5, Vellore for the offence under Sections 394 and 34 of IPC, in Crime No.145 of 2021 seeks anticipatory bail.

2. The learned counsel appearing for the petitioner would submit that the petitioner is an accused facing trial in C.C.No.639 of 2021 on the file of the learned Judicial Magistrate No.5, Vellore. He further submit that the petitioner due to his illness, was unable to appear before the Court, thereby the learned Magistrate had issued Non Bailable Warrant of arrest on 04.11.2022 and thereby apprehending arrest, the present petition has been filed seeking for anticipatory bail to the petitioner.



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3. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the option available to the petitioner to surrender and apply for recall of the warrant.

4. Taking into consideration the facts and submissions, the only option for the petitioner is to surrender before the learned Judicial Magistrate No.5, Vellore and to file a petition to recall NBW already issued against him within a period of two weeks from the date on which the order copy made ready. 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 itself.

5. This Criminal Original Petition is disposed of accordingly.

20.06.2023

drl

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