

CrI.O.P.No.13428 of 2023**RMT.TEEKAA RAMAN, J.**

The petitioner, who apprehends arrest at the hands of the respondent police in respect of the non-bailable warrant issued in C.C.No.439 of 2021 on the file of the learned Judicial Magistrate No.5, Vellore, for the offences punishable under Section 392 of I.P.C, seeks anticipatory bail.

2.The learned counsel for the petitioner submitted the petitioner is the accused facing trial in C.C.No.439 of 2021 on the file of the learned Judicial Magistrate No.5, Vellore. He would further submit that the petitioner has been all along regularly appearing before the Court, he is not in a station he is out of State for his work, he was unable to appear before the Court on 24.11.2022 and thereby, the learned trial Judge has issued a Non Bailable Warrant. He would further submit that the petitioner is prepared to surrender before the Court and furnish the sureties and also undertakes to co-operate for speedy disposal of the case. Hence, he prays for grant of anticipatory bail to the petitioner.

3.The learned Government Advocate (CrI. Side) appearing for the respondent Police would submit that the petitioner did not appear before the Court and the trial Court had issued Non Bailable Warrant of

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arrest against the petitioner on 04.11.2022. He would submit that the option available for the petitioner is surrender before the concerned Court and file an application for recalling the warrant. Hence, he opposed for grant of anticipatory bail to the petitioner.

4.Taking into consideration the facts and circumstances of the case and also the submissions made by the learned counsel, this Criminal Original Petition is disposed of with a direction to the petitioner to surrender before the trial Court on or before 11.10.2023 and file a necessary application to recall the Non Bailable Warrant and on such filing, the learned Judicial Magistrate shall consider and pass an order on the same day of surrender taking into consideration the merits of the case.

21.09.2023

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