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**CrI.O.P.No.14019 of 2023****A.D.JAGADISH CHANDIRA, J.**

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 4(1)(aaa) of Tamil Nadu Prohibition Act r/w Section 269, 17 of IPC r/w Section 34 of IPC in Crime No. 221 of 2021 on the file of the respondent police in C.C.No.3769 of 2022 on the file of the Chief Metropolitan Magistrate, Egmore at Chennai, seeks anticipatory bail.

2. The petitioner apprehends arrest pursuant to the Non Bailable Warrant issued against them on 25.04.2023.

3. The learned counsel appearing for the petitioners would submit that the petitioners are accused persons facing trial in C.C.No.3769 of 2022 on the file of the Chief Metropolitan Magistrate, Egmore at Chennai. On 25.04.2023, the petitioners were unable to appear before the trial Court. Hence, the learned Magistrate had issued Non Bailable Warrant against the petitioners on 25.04.2023. He would further submit



that the said absence is neither willful nor wanton and he undertakes that the petitioners will appear before the trial Court regularly on all future hearing dates without fail.

4. The learned Government Advocate (Crl. Side) would submit that it is a case of the year 2021 and that the petitioners are arrayed as A1 and A2. He would further submit that the petitioners did not appear before the trial court on 25.04.2023 and thereafter, warrant has been issued as against the petitioners and hence anticipatory bail cannot be granted to the petitioners. The only option available to the petitioners is to surrender before the trial Court and to file an application to recall the Non Bailable Warrant issued against them.

5. Heard both sides and perused the materials available on record.

6. Considering the above facts and circumstances, the petitioners are directed to surrender before the learned **Chief Metropolitan Magistrate, Egmore at Chennai** within a period of three weeks from



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today and file a petition to recall NBW already issued against them. On filing of such petition, the concerned learned Judge is directed to consider the same on merits and pass orders on the same day. It is made clear that no positive direction has been given by this Court.

7. This Criminal Original Petition is disposed of accordingly.

**23.06.2023**

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**A.D.JAGADISH CHANDIRA, J.**

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