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Crl.O.P.No.14513 of 2023

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G.CHANDRASEKHARAN, J.

This petition is filed under Section 438 Cr.P.C., to enlarge the petitioners on bail in the event of their arrest pending trial in C.C.No.5 of 2021, on the file of the Special Court TANPID Act, Coimbatore, in Crime No.35 of 2010, on the file of the respondent police.

2. Learned counsel for the petitioners submitted that petitioners are accused in crime No.35 of 2010, on the file of the respondent police. After filing final report, offences had taken cognizance in C.C.No.11 of 2012. Now, NBW is pending against the petitioners and in the said circumstances, this petition is filed praying for anticipatory bail for the petitioners.

3. In response, the learned Government Advocate (Crl.Side) submitted that there are eight accused in Crime No.35 of 2010 and the case was taken on file in C.C.No.11 of 2012. Petitioners are not



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appearing before the Trial Court from 2014. Therefore, after taking necessary steps including issuance of proclamation notice and finding that the petitioners have not taken any steps for appearing before the Trial Court, the case against the petitioners was split up in C.C.No.5 of 2021. He further submitted that if anticipatory bail is granted to the petitioners, there is a possibility of petitioners again absconding leading to delaying the trial process cannot be ruled out.

4.On going through the records and from the submissions of the counsel appearing for the parties, it is seen that in a case of the year 2012 in C.C.No.11 of 2012, not even a single witness was examined so far. The main reason is that petitioners are absconding since 2012. Therefore, this Court is not inclined to grant anticipatory bail to the petitioners and accordingly, this Criminal Original Petition is dismissed.

5.The petitioners may surrender before the Special Court under TANPID Act, Coimbatore, for recall of warrant and if such surrender application with a petition for recall of warrant is filed, the learned



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Judge, Special Court under TANPID Act, Coimbatore, is directed to dispose the petition on merits and in accordance with law immediately.

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