



Crl.O.P.No.18655 of 2023

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RMT.TEEKAA RAMAN, J.

The Petitioner who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 364, 364 (A), 392 & 394 r/w.397 of IPC in connection with S.C.No.141 of 2021, pending trial on the file of the learned Assistant Sessions Judge (Sub Court), Mettupalayam, Coimbatore District seeks anticipatory bail.

2.The learned counsel for the Petitioner would submit that the complaint was lodged in the year 2006. Originally the Petitioner was arrested by the Respondent Police in connection with another Crime Number and he was granted bail and in the Prison itselfm the Respondent Police taken him into custody and foisted the present case. Subsequently he was enlarged on bail by the learned Judicial Magistrate, Mettupalayam. In the year 2008 final report was filed and the same was taken on file as SC.No.141 of 2021 by the Sub Court, Mettupalayam and summon was issued to him on 20.10.2021. On 10.10.2022, the Petitioner failed to appear before the trial Court and none appeared on behalf of him and hence Nonailable Warrant was issued against him. Hence, the learned counsel for the Petitioner prays for grant of



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anticipatory bail to the Petitioner.

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3.The learned Government Advocate (Crl. Side) would submit that since the Petitioner did not appear before the Court, the trial Court had issued Non Bailable Warrant against the Petitioner on 10.10.2022. He would further submit that the option available for the Petitioner is to surrender before the Court, concerned and file an application for recalling the warrant. Hence, he opposed for grant of anticipatory bail to the Petitioner.

4.Heard the learned counsel on either side and perused the entire materials available on record.

5.Taking into consideration the facts and circumstances of the case and also the submissions made by the learned counsel on either side and the fact that the jurisdictional Court viz., the learned Assistant Sessions Judge (Sub Court), Mettupalayam, Coimbatore District has already issued Non Bailable Warrant to the Petitioner, this Criminal Original Petition is disposed of with a direction to the Petitioner to surrender before the trial Court at 10.30 am and file an application to recall the Non Bailable Warrant and the learned Assistant



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Sessions Judge (Sub Court), Mettupalayam, Coimbatore District shall pass an order on the same day of surrender and the Petitioner shall also file an affidavit of undertaking that he will co-operate for speedy disposal of the trial.

23.08.2023

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