



CrI.O.P.No.26843 of 2023

C.V.KARTHIKEYAN, J.

WEB COPY

The petitioner / A3 in C.C.No.60 of 2017 now pending before the learned Judicial Magistrate – I, Poonamallee, seeks anticipatory bail.

2.It is stated that evidence in the calender case had been recorded. Arguments had been advanced. Now, judgment will have to be pronounced. The petitioner had not appeared before the Court on 31.10.2023. Hence, NBW was issued. Thereafter, it is the contention of the learned counsel for the petitioner that, he had filed an application under Section 70(2) of Cr.P.C., seeking permission to surrender and also to recall the warrant. The learned Judicial Magistrate had returned the said application and kept the NBW pending.

3.It is only appropriate that the Investigating Officer returns back the NBW issued by the learned Judicial Magistrate with either a report that the accused had been secured or that the accused could not be secured. But, at any rate, since the petitioner had expressed willingness to surrender, let the Investigating Officer return back the warrant and the learned Judicial Magistrate may pass appropriate orders in a fresh application to be filed seeking to surrender or to recall the warrant. Let there be definiteness in the order either accepting it or not accepting it.



C.V.KARTHIKEYAN, J.

smv

4.In view of the above, this Criminal Original Petition would not lie
and the same stands dismissed.

27.11.2023

smv

Crl.O.P.No.26843 of 2023