



Crl.O.P.No.32383 of 2022

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T.V.THAMILSELVI, J.

The petitioner who apprehends arrest for the alleged offence under Sections 34, 120(B), 415, 420, 423, 465, 468, 470 & 471 of IPC in C.C No. 80 of 2022 on the file of the Special Court for Land Grabbing II Metropolitan Magistrate Egmore @ Allikulam, Chennai, seeks anticipatory bail.

2.The petitioner is facing trial in C.C No. 80 of 2022 on the file of the learned Special Court for Land Grabbing II Metropolitan Magistrate Egmore @ Allikulam, Chennai,, for the offences under Sections 34, 120(B), 415, 420, 423, 465, 468, 470 & 471 of IPC., and due to his non appearance, the Trial Court issued Non- Bailable Warrant as against the petitioner. Hence the present petition.

3.The learned counsel appearing for the petitioner submits that petitioner is aged about 76 years due to age ailments, the petitioner was not able to appear before the Special Court for Land Grabbing II Metropolitan Magistrate Egmore @ Allikulam, Chennai, in respect of the case in C.C No. 80 of 2022 and hence, Non Bailable warrant was issued against the petitioner. Further, he submits that said absence is neither willful nor wanton and he



Crl.O.P.No.32383 of 2022

undertake that the petitioner shall appear before the court below regularly on all future hearing dates without fail.

4. The **learned Government Advocate (Crl. side)** submits that Non – Bailable warrant was issued against the petitioner and the same is pending.

5. Considering the undertaking given by the learned counsel for the petitioner, the petitioner is directed to appear before the learned Special Court for Land Grabbing II Metropolitan Magistrate Egmore @ Allikulam, Chennai, within a period of two weeks from the date of receipt of a copy of this order and to file a petition to recall NBW already issued against him. On filing of such petition, the concerned learned Magistrate is directed to consider the same on merits and pass orders on the same day.

6. It is made clear that while considering the petition to recall, the Court below shall bear in mind about the period of Non Bailable Warrant and any crime committed while pending Non Bailable Warrant. Mere direction issued by this Court to consider the application on the same day does not amount to direction to consider the recall petition favourably.

7. This Criminal Original Petition is disposed of accordingly.



Crl.O.P.No.32383 of 2022

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Crl.O.P.No.32383 of 2022

Crl.O.P.No.32383 of 2022

12.01.2023