



Crl.O.P.No.8382 of 2024

Crl.O.P.No.8382 of 2024

T.V.THAMILSELVI, J.,

The petitioner, who apprehends arrest at the hands of the respondent police pursuant to the non-bailable warrant issued against her on 31.01.2024, in C.C.No.2 of 2024, pending on the file of the Special Court under TNPID Act, Chennai, in connection with Crime No.5 of 2021, registered for the offence punishable under Sections 406, 420 of IPC, seeks anticipatory bail.

2. Learned counsel appearing for the petitioner submitted that the petitioner (A3) is facing trial in C.C.No.2 of 2024 pending on the file of Special Court under TNPID Act, Chennai. He further submitted that the petitioner, aged about 57 years, is suffering from gallbladder ailment, thereby, she was unable to appear before the trial Court on 31.01.2024 and a Non Bailable Warrant was issued by the trial Court. He also submitted that the petitioner is ready to appear before the trial Court and and also she is ready to co-operate for speedy disposal of the trial. Hence, he prays for grant of anticipatory bail to the petitioner.



WEB COPY

Crl.O.P.No.8382 of 2024



3. Learned Government Advocate (Crl.side) submitted that since the petitioner, who is an accused (A3) facing trial in C.C.No.2 of 2024, pending on the file of the learned Special Court under TNPID Act, Chennai, has failed to appear before the trial Court, thereby, the trial Court has issued a Non-Bailable Warrant of arrest against her. He further submitted that the only option available to the petitioner is to surrender before the Court concerned and to file petition seeking to recall the warrant and therefore the petition for anticipatory bail may not be maintainable. Hence, the object for grant of anticipatory bail.

4. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the materials available on record.

5. Considering the above facts and circumstances of the case and the submissions made by the learned counsel on either sides, the Criminal Original Petition stands disposed of with the following directions.



WEB COPY



Crl.O.P.No.8382 of 2024

(a) the petitioner shall surrender before the trial Court within a period of two weeks from the date of receipt of a copy of this order and to file an application seeking to recall the warrant and the learned Trial Judge, taking into consideration the merits of the case, shall pass orders on the petition on the same day of his surrender ;

(b) the petitioner shall deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs Only) to the credit of Cr.No.5 of 2021 before the trial Court at the time of her surrender;

(c) On such deposit being made, the learned trial Judge shall obtain an affidavit of undertaking from the de facto complainant stating that in the event of the petitioner succeeding the case, the amount of Rs.2,00,000/- deposited by the petitioner to the credit of Crime No.5 of 2021 will be returned to the petitioner and after obtaining such affidavit of undertaking from the de facto complainant, the trial court shall disburse the said amount to the de facto complainant within a period of two weeks thereafter;

6. Post the matter on 04.06.2024 for reporting compliance.

05.04.2024.

ham



WEB COPY



Crl.O.P.No.8382 of 2024

T.V.THAMILSELVI. J.,

ham

Crl.O.P.No.8382 of 2024

05.04.2024