



Crl.O.P.No.32353 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.12.2024

CORAM

THE HON'BLE MRS. JUSTICE L.VICTORIA GOWRI

Crl.O.P.No.32353 of 2024

Senthilkumar

... Petitioner

Vs

State by
Inspector of Police,
Thirukoilur Police Station,
Kallakurichi District
[Cr. No. 283 of 2021]

... Respondent

For Petitioner : Mr.K.Ponraj

For Respondent : Mr.R.Vinothraja
Government Advocate (Crl.Side)

PRAYER: The Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhitha, 2023 praying to grant anticipatory bail to the petitioner in the event of his arrest or on his appearance before any Court in connection with the case in C.C.No.4 of 2022 on the file of Judicial Magistrate Court, Thirukoilur.



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ORDER

WEB COPY The petitioner, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 279 and 337 of IPC altered to Sections 279, 337 and 304(A) of IPC, in Crime No.283 of 2021, seeks anticipatory bail.

2. The petitioner is facing trial in C.C.No.4 of 2022 on the file of Judicial Magistrate Court, Tirukoilur for offences punishable under Sections 279 and 337 of IPC altered to Sections 279, 337 and 304(A) of IPC, and due to his non appearance, the trial Court issued Non-bailable warrant as against the petitioner on 13.11.2024. Hence, the petitioner is before me seeking grant of anticipatory bail.

3. The learned counsel appearing for the petitioner would submit due to cyclone and heavy rain, the petitioner was not able to appear before the Judicial Magistrate Court, Tirukoilur , in respect of the case in C.C.No.4 of 2022 and hence, non bailable warrant has been issued against the petitioner. He would further submit that the said absence is neither willful nor wanton and he undertakes that the petitioner shall appear before the Court below regularly on all future hearing dates without fail.



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4. The learned Government Advocate (Crl.side) would submit that the non bailable warrant has been issued against the petitioner on 13.11.2024 and the same is pending.

5. Heard both sides and perused the materials available on record including the First Information Report.

6. Considering the arguments from both sides, the nature of the offence, and considering the fact of the case, the question of grant of anticipatory bail does not arise. The petitioner is directed to appear before the learned Judicial Magistrate Court, Tirukoilur, within a period of two weeks from today and to file a petition to recall NBW already issued against him. On filing of such petition, the concerned learned Judicial Magistrate shall take a final call in this regard.

7. 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



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same day does not amount to direction to consider the recall petition

favourably.

8. This Criminal Original Petition is disposed of accordingly.

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L.VICTORIA GOWRI J.

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