



WEB COPY



CrI.O.P.No.32354 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 27.12.2024
CORAM
THE HON'BLE MRS. JUSTICE **L.VICTORIA GOWRI**

CrI.O.P.No.32354 of 2024

Elangovan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Kottucherry Police Station.
Puducherry.

... Respondent

PRAYER:-

Criminal Original Petition filed under Section 482 of B.N.S.S.,
2023 seeking anticipatory bail.

For Petitioner : Mr. P.J.Anitha
For Respondent : Mr.K.J.Mohandoss
Public Prosecutor, Puducherry.

ORDER

The Petitioner apprehends arrest at the hands of the
respondent/Police on account of non bailable warrant issued against him for
his non appearance in a complaint filed in C.C.No.545 of 2023.

2. Learned counsel appearing for the petitioner submitted that the
petitioner is an innocent person and he has not committed any offence as



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alleged in the Complaint and his non-appearance before the Court below is neither wilful nor wanton but only due to fact that he has instructed the Advocate to file 317 petition seeking to dispense with his appearance on 16.04.2024, however, unfortunately, such petition was not filed, hence NBW came to be issued against the petitioner. The learned counsel submitted that the petitioner is ready to abide by any stringent condition that may be imposed by this court. Hence, he prayed anticipatory bail for the petitioner.

3. The learned Public Prosecutor (Puducheerry) appearing for the respondent submitted that since the petitioner failed to appear before the trial Court on 16.04.2024, NBW was issued.

4. Heard the learned counsel for the petitioner and the learned Public Prosecutor (Puducherry) and perused the materials available on record.

5. 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



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the learned Judicial Magistrate No.1, Karaikal, within a period of two weeks from today and 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.

6. However, 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.

27.12.2024

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To

1. The Judicial Magistrate No.1, Karaikal.
2. The Inspector of Police,
Kottucherry Police Station.
Puducherry.
3. The Public Prosecutor,
High Court of Madras.



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L.VICTORIA GOWRI, J.

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