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Crl.O.P.No.32364 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.12.2024

CORAM

THE HONOURABLE MRS.JUSTICE **L.VICTORIA GOWRI**

Crl.O.P.No.32364 of 2024

1. Pazhani @ Sitharanjan
2. Sridhar

... Petitioners

Vs.

State rep. by
The Inspector of Police,
Tirukoilur Police Station,
Kallakurichi District.
(Crime No.179 of 2008)

... Respondent

Prayer:- Criminal Original Petition filed under Section 482 of BNSS Act, to enlarge the petitioners on bail in the event of their arrest in connection with S.C.No.188 of 2024 on the file of the learned Chief Judicial Magistrate at Kallakurichi.

For Petitioners : Mr.U.Kathiravan

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



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ORDER

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The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 148, 342, 506(2), 327, 368, 347, 364(A), 120(b) r/w. 109 & 149 of IPC, in Crime No.179 of 2008, seek anticipatory bail.

2. The petitioners are facing trial in S.C.No.188 of 2024 on the file of the learned Chief Judicial Magistrate, Kallakurichi, for offences punishable under Sections 148, 342, 506(2), 327, 368, 347, 364(A), 120(b) r/w. 109 & 149 of IPC, and due to their non appearance, the trial Court issued Non-bailable warrant as against the first petitioner on 30.09.2024 and as against the second petitioner on 31.07.2024. Hence, the petitioners are before me seeking grant of anticipatory bail.

3. The learned counsel appearing for the petitioners would submit due to illness, the petitioners were not able to appear before the learned Chief Judicial Magistrate, Kallakurichi, in respect of the case in S.C.No.188 of 2024 and hence, non bailable warrant has been issued against the petitioners. He would further submit that the said absence is neither willful



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nor wanton and he undertakes that the petitioners shall appear before the Court below regularly on all future hearing dates without fail.

4. The learned Additional Public Prosecutor would submit that the non bailable warrant has been issued against the petitioners on 30.09.2024 & 31.07.2024 respectively, and the same are 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 petitioners are directed to appear before the learned Chief Judicial Magistrate, Kallakurichi, within a period of two weeks from today and to file a petition to recall NBW already issued against them. On filing of such petition, the concerned learned Judicial Magistrate shall take a final call in this regard.



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

8. This Criminal Original Petition is disposed of accordingly.

27.12.2024

rts/ssi



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To

1. The Inspector of Police,
Tirukoilur Police Station,
Kallakurichi District.
2. The Public Prosecutor,
High Court, Madras.



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L.VICTORIA GOWRI, J.

rts

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