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Crl.O.P.No.14889 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.05.2025

CORAM

THE HON'BLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.14889 of 2025

R.Rajasekar

... Petitioner

-VS-

State Rep by
The Inspector of Police,
V6 Police Station, Kolathur,
Chennai – 600 099.
(Crime No.173 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner on bail in the event of his arrest by the respondent police concerned in C.C.No.391 of 2024 on the file of the XIII Metropolitan Magistrate, Egmore, Chennai in Crime No.173 of 2023 pending on the file of the respondent police.

For Petitioner : Mr.J.Karthick Rishi

For Respondent : Mr.V.Meganathan,
Government Advocate (Crl.Side)



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ORDER

The petitioner who apprehends arrest in pursuance to the Non-Bailable Warrant dated 09.05.2025 in C.C.No. 391 of 2024 by the learned XIII Metropolitan Magistrate, Egmore, Chennai, pending trial for the alleged offences under Sections 294(b), 323, 324, 427 and 506(ii) of IPC in Crime No.173 of 2023 seeks anticipatory bail.

2. The contention of the learned counsel appearing for the petitioner submitted that the petitioner (A1) is facing trial in C.C.No. 391 of 2024 on the file of learned XIII Metropolitan Magistrate, Egmore, Chennai, for the offences under Sections 294(b), 323, 324, 427 and 506(ii) of IPC. He further submitted that the petitioner was granted anticipatory bail in Crl.M.P.No.20546 of 2023 dated 22.08.2023 before the Principal Session Judge, Chennai, and the petitioner failed to appear and produce sureties. Pursuant to the same, the bail order becomes infructuous and thereby, the trial court has issued non-bailable warrant on 09.05.2025. He further submitted that the petitioner is ready to abide by any stringent condition that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.



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3. Learned Government Advocate (Crl. Side) appearing for the respondent police while objecting for grant of anticipatory bail to the petitioner submitted that the case has been committed to the Court of Sessions in C.C.No.391 of 2024 and the case now stands posted before the trial Court on 17.06.2025. He further submitted that the investigation has been completed and the charge sheet has also filed. He further submitted that the option available to the petitioner is to surrender and apply for recall of the warrant.

4. Heard both sides and perused the materials available on record.

5. Taking into consideration the facts and submissions, the only option for the petitioner is to surrender before the learned XIII Metropolitan Magistrate, Egmore, Chennai and to file a petition to recall NBW already issued against him. On filing of such petition, the concerned learned Judge is directed to consider the same on merits and pass orders on the same day itself, in accordance with law.

6. This Criminal Original Petition is disposed of accordingly.

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AT

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Note :

1. Registry is directed to forthwith upload this order in the Official Website of this Court.
2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.

To

- 1.The XIII Metropolitan Magistrate,
Egmore, Chennai.
- 2.The Inspector of Police,
V6 Police Station, Kolathur,
Chennai – 600 099.
- 3.The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

AT

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