



WEB COPY

CRL OP No. 2458 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-02-2026

CORAM

THE HON'BLE MR.JUSTICE K.RAJASEKAR

CRL OP No. 2458 of 2026

Hussain
S/o. Ramesh
2, Royapettah New Ward
No.120, Dr.Natesan Road
(Door No. 151 To 318),
South Chennai, Royapettah,
Chennai - 600 014.

..Petitioner(s)

Vs

State Rep. by The Inspector of Police
Pathirvedu Police Station,
Madharpakkam,
Tiruvallur.
(Crime No. 5 of 2021)

..Respondent(s)

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in the event of his arrest in connection with the Nonailable Warrant dated 20.08.2025 issued by the Learned District Cum Judicial Magistrate, Gummidipoondi, in C.C.No.223 of 2025, registered for the offences u/s.309(6) BNS, (u/s.394 IPC), registered in Crime No. 5 of 2021 on the file of the respondent police and thus render justice.

For Petitioner(s):

M Govindaraju

For Respondent(s):

Ms.J.R.Archana

Government Advocate (Crl.side)



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Order

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 309(6) of BNS, in C.C.No.223 of 2025, pending on the file of the learned District Munsif cum Judicial Magistrate, Gummidipoondi, in connection with Crime No.5 of 2021, seeks anticipatory bail.

2. Learned counsel appearing for the petitioner submitted that the petitioner is facing trial in C.C.No.223 of 2025, pending on the file of the learned District Munsif cum Judicial Magistrate, Gummidipoondi. He further submitted that the petitioner has been regularly appearing before the trial Court on all hearing dates. However, despite repeated requests made by the petitioner, failed to represent the case and also failed to file absent petition on 20.08.2025, thereby, a Nonailable Warrant was issued by the trial Court, against him. He also submitted that the petitioner is ready to appear before the trial Court and also he is ready to co-operate for speedy disposal of the trial. Hence, he prays for grant of anticipatory bail to the petitioner.

3. Learned Government Advocate (Crl.side) submitted that since the petitioner, who is an accused facing trial in C.C.No.223 of 2025, pending on



the file of the learned District Munsif cum Judicial Magistrate, Gummidipoondi, has failed to appear before the trial Court on 20.08.2025, the trial Court has issued a Non-Bailable Warrant of arrest against him. 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 respondents and perused the materials available on record.

5. Considering the above facts and circumstances of the case and the submissions made on both sides, a direction is issued to the petitioner to surrender before the trial Court 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.

6. With the above directions, the Criminal Original Petition stands disposed of.

DRL

04-02-2026



To

1. The Inspector of Police
Pathirvedu Police Station,
Madharpakkam,
Tiruvallur.

2. The Public Prosecutor,
High Court, Madras.

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K.RAJASEKAR J.

DRL

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