



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Tuesday, the Seventeenth day of November Two Thousand Fifteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.21090 of 2015

DINESH@DINESHKUMAR

... PETITIONER/ ACCUSED No.4

Vs

STATE REP. BY
THE INSPECTOR OF POLICE
KANYAKUMARI POLICE STATION,
KANYAKUMARI DISTRICT.
(IN CR.NO. 279/2008)

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S S.SENTHIL SANKARA NATHA KUMAR Advocate

For Respondent : Mr.K.ANBARASAN, Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

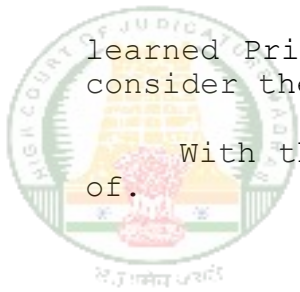
ORDER : The Court Made the following order :-

The petitioner, who is arrayed as accused No.4, apprehends arrest at the hands of the respondent police for the alleged offences under Sections 120(b), 302 and 109 of I.P.C., in Crime No.279 of 2008, in pursuance of the Non-Bailable Warrant issued in S.C.No.45 of 2009 on the file of the Principal District and Sessions Court, Nagercoil, seeks anticipatory bail.

2. The learned counsel for the petitioner submitted that the petitioner was not able to appear before the trial Court on the date of hearing and as such, Non-Bailable Warrant has been issued against him on 05.09.2015 and the petitioner has been falsely implicated in this case. The learned counsel for the petitioner further submitted that now the petitioner is ready to appear before the trial Court.

3. The learned Government Advocate (Crl.side) submitted that Non-Bailable Warrant is pending against the petitioner.

4. Considering the facts and circumstances of the case and also considering the fact that the petitioner was not able to appear before the trial Court on the date of hearing and as such, the trial Court has issued the Non Bailable Warrant against him, the petitioner is directed to file an application under Section 70(2) of Cr.P.C. for recalling the Non-Bailable Warrant before the learned Principal District and Sessions Judge, Nagercoil and in the event of filing such an application, the



learned Principal District and Sessions Judge, Nagercoil is directed to consider the same and pass orders on merits and in accordance with law.

With the above direction, the Criminal Original Petition is disposed of.

sd/-
17/11/2015

WEB COPY

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE PRINCIPAL DISTRICT AND SESSIONS JUDGE, NAGERCOIL.
- 2 THE INSPECTOR OF POLICE,
KANYAKUMARI POLICE STATION, KANYAKUMARI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S S.SENTHIL SANKARA NATHA KUMAR Advocate SR.No.66304

ORDER
IN
CRL OP(MD) No.21090 of 2015
Date :17/11/2015

NS/SKS-RR/SAR I/20.11.2015 : 2P/5C