



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

Wednesday, the Thirty First day of October Two Thousand and Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP (MD) No.19464 of 2018

VINOTH @ KUMAR

... PETITIONER / ACCUSED NO.5

Vs

THE STATE REPRESENTED BY ITS,
INSPECTOR OF POLICE,
NITHRAVILAI POLICE STATION,
KANYAKUMARI DISTRICT.
CRIME NO.134/2010

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.S.SIVAKUMAR Advocate

For Respondent : Mrs.M.ANANTHA DEVI, Govt. Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioner/A5, who apprehends arrest at the hands of the respondent police in P.R.C.No.11 of 2016 (crime No.134 of 2010 on the file of the respondent police) on the file of the Judicial Magistrate No.II, Kuzhithurai, seeks anticipatory bail.

2.The learned counsel appearing for the petitioner would submit that the petitioner has not received any summons at any point of time, but, the learned Judicial Magistrate, without considering the non-serving of summons to the petitioner, on 07.02.2017, issued non bailable warrant as against the petitioner. He would further submit that the said absence is neither willful nor wanton and he undertakes that the petitioner shall appear before the Court below regularly on all future hearing dates without fail.

3.Heard the learned Government Advocate (criminal side) appearing for the respondent.

4.Considering the undertaking given by the learned counsel for the petitioner, the petitioner is directed to appear before the learned Judicial Magistrate No.2, Kuzhithurai, within a period of 2 weeks from the date of receipt of a copy of this order and to file a



petition to recall NBW already issued against him. On filing of such petition, the concerned learned Judicial Magistrate is directed to consider the same on merits and pass orders on the same day.

5. This criminal original petition is disposed of accordingly.

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sd/-
31/10/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO. II,
KUZHITHURAI, KANYAKUMARI DISTRICT.

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI AT NAGERCOIL.

3. THE INSPECTOR OF POLICE,
NITHRAVILAI POLICE STATION,
KANYAKUMARI DISTRICT.

4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to Mr. S. SIVAKUMAR Advocate SR.No.20745.

ORDER
IN
CRL OP (MD) No.19464 of 2018
Date : 31/10/2018

RAM/JC/SAR 4/08.11.2018/2P/6C