

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Nineteenth day of March Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.6415 of 2020

IN S.C.NO.165 OF 2018

[ON THE FILE OF THE LEARNED ASSISTANT SESSIONS JUDGE

(SUBORDINATE JUDGE), NAGAPATTINAM, NAGAPATTINAM DISTRICT]

DHARMALINGAM

[PETITIONER / ACCUSED]

Vs

STATE REP. BY

[RESPONDENT]

INSPECTOR OF POLICE
NAGOORE POLICE STATION,
NAGAPATTINAM DISTRICT.
CRIME NO.241 OF 2008

For Petitioner : M/S. E.KANNADASAN Advocate

For Respondent : M/S.S.THANKIRA Government Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

This Criminal Original Petition has been filed seeking to grant anticipatory bail to the petitioner, who is A4 in a criminal case registered in S.C.No.165 of 2018 for the offence punishable under Sections 420, 397 of I.P.C.

2. The case of the prosecution is that the defacto complainant is a known person to the petitioner. Due to previous enmity, the defacto complainant gave a false complaint against the petitioner alleging that A-1 in that case received money by promising to return gold at cheaper rate to the defacto complainant, but what was given to him by A-1 is a lesser quantity of gold coin. On receipt of the aforesaid complaint, the respondent police registered a case and arrested 9 persons including the petitioner. At the stage of committal, the learned Judicial Magistrate No.II, Nagapattinam, Nagapattinam District issued NBW to the petitioner. Subsequently, the case was split up against the petitioner in P.R.C. No.20 of 2014 and assigned S.C. No.168 of 2014 and the same is pending from 01.10.2019. As against the issuance of NBW, the petitioner seeks Anticipatory Bail.

3. The learned Government Advocate (Crl. Side) appearing for the respondent, on instructions, submitted that the main accused A1, A2 and A4 were acquitted on separate trial. A3 and A9 were dead. However, the petitioner failed to appear before the Trial Court, hence the case was split up and Non Bailable Warrant was issued to the petitioner.

4. Against the order issuing Non Bailable Warrant, the petitioner cannot seek Anticipatory Bail. However, considering the facts and circumstances of the case, the petitioner is directed to appear before the Trial Court and file an application to recall the Non Bailable warrant along with an undertaking affidavit that he will appear before the Trial Court on all hearing dates without fail. Thereafter, the Court below is directed to consider his application and issue suitable orders on merits.

5. With the above observations, the Criminal Original Petition is disposed of.

-sd/-

19/03/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE ASSISTANT SESSIONS JUDGE
(SUBORDINATE JUDGE), NAGAPATTINAM,
NAGAPATTINAM DISTRICT).

2 THE JUDICIAL MAGISTRATE NO.II,
NAGAPATTINAM, NAGAPATTINAM DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE
NAGOOR POLICE STATION,
NAGAPATTINAM DISTRICT.

+1 CC to M/S. E.KANNADASAN Advocate on payment of necessary charges SR.No.5449