

In the Court of Vacation Sessions Judge, Kanniyakumari District at Nagercoil.

Present : Thiru B. Karthikeyan, B.L.  
Vacation Sessions Judge/Principal Sessions Judge,  
Kanniyakumari at Nagercoil.

Thursday, the 16<sup>th</sup> day of May, 2024.

CrI.M.P. No. 179/2024

(CNR.No.TNKK0V-000236-2024)

Mathan, S/o. Ganesan (A1)

..Petitioner

/Vs./

Sub Inspector of Police,  
Kottar Police Station,  
Crime No.817/2015 of Kottar Police Station,  
Rep. by P.P. Nagercoil.

.. Respondent

This petition is filed by Advocate Thiru A. Lawrence Peter Shaw, u/s  
438 Cr.P.C., praying to grant anticipatory bail to the petitioner.

ORDER

Heard both sides. Perused the petition.

The petitioner/accused alleged to have been committed the offence u/s  
387 of IPC.

The learned counsel for the petitioner submitted that the case has been  
charge sheeted and taken on file as C.C.No.73/2017 pending before the Judicial  
Magistrate Court No.II, Nagercoil and due to illness, the petitioner was unable to  
appear before the court and due to non appearance of the petitioner, the learned  
Judicial Magistrate issued Non Bailable Warrant against the petitioner on 24.02.2020

and proclamation proceedings was initiated against the petitioner by the trial court on 05.02.2024 and the petitioner is ready to abide by any condition and prayed for anticipatory bail to the petitioner.

The learned Public Prosecutor opposed the application and submitted that NBW issued by the Judicial Magistrate No.I, Nagercoil on 24.02.2020 and therefore, the petition may be dismissed as not maintainable.

Considering the fact that the case is pending before the Judicial Magistrate Court No.I, Nagercoil as CC No.73/2017 and Non Bailable Warrant was issued against the petitioner/A2 on 24.02.2020 and now the petitioner has approached this court for anticipatory bail, this court is of the view that this petition does not have merits. This view is fortified by the decision of Hon'ble Supreme Court in *Srikant Upadhyay and other Vs. State of Bihar and others* reported as *2024 INSC 202*. Hence, this petition is dismissed.

In the result, this petition is dismissed.

Pronounced by me in open court this the 16<sup>th</sup> day of May, 2024.

Vacation Sessions Judge.