

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.134/2024

(CNR.No.TNKK0V-000218-2024)

Sathya Seelan S/o. Selvaraj (A3)

.. Petitioner

/Vs./

Sub Inspector of Police,

Marthandam Police Station,

Crime No.583/2012 of Marthandam Police Station,

Rep. by Public Prosecutor, Nagercoil.

.. Respondent

This petition is filed by Advocate Thiru A. Venkatesh 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  
395 and 414 of IPC.

The learned counsel for the petitioner submitted that the respondent  
police has registered the case against the petitioner and others and the case has been  
charge sheeted and pending before the Additional District Judge, Kuzhithurai as SC  
189/2022 and in the said case, he was on bail and appearing before the court regularly

and on 01.12.2023, the petitioner failed to appear before the court since his counsel did not inform the matter and on the same day, NBW was issued against him and on 15.02.2024 surety action was also taken and now the police is in search of him and the reason for non-appearance is that the petitioner is working as a coolie in Kerala and he was not able to communicate with his counsel and in further postings, the petitioner is ready to appear before the court without any fail 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 the NBW was issued on 01.12.2023 by the Additional District Court, Kuzhithurai.

Considering the fact that the case in SC 189/2022 is pending before the Additional District Court, Kuzhithurai and NBW was issued against the petitioner on 01.12.2023 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.

B  
KARTHIKEYAN

Digitally signed  
by B  
KARTHIKEYAN  
Date: 2024.05.16  
19:21:23 +0530  
Vacation Sessions Judge.