



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

Tuesday, the Twenty Second day of September Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.18265 of 2015

SIVAKUMAR

... PETITIONER / 2nd ACCUSED

Vs

THE STATE THRO' THE INSPECTOR OF POLICE
NADUCAUVERY POLICE STATION,
THANJAVUR DISTRICT.
(CRIME NO. 2 OF 2010)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.M.P.SENTHIL Advocate

For Respondent : MS.S.PRABHA, Govt. Advocate (Crl. Side)

PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

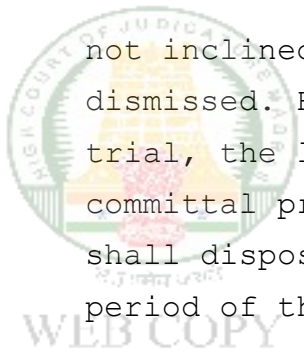
The petitioner, who is arrayed as A2 in Crime No.2 of 2010 on the file of the respondent police, was arrested and remanded to judicial custody on 03.08.2015 in pursuant to the non bailable warrant issued by the lower Court for the alleged offences punishable under Sections 379 and 302 of I.P.C., r/w 34 of I.P.C., and hence, seeks bail.

2 The learned counsel for the petitioner submitted that the occurrence had taken place in the year 2010 and pending investigation, he was arrested and released on bail and subsequently, he had gone to foreign country for his livelihood and therefore, he could not appear before the trial Court on 05.07.2011 and it is further submitted that the petitioner undertakes to appear before the committal Court as well as the trial Court for all hearing dates, without fail.

3 The learned Government Advocate (Crl.side) vehemently opposed for granting bail to the petitioner contending that the petitioner is an accused in the case of murder for gain and due to the pendency of the non bailable warrant, the entire case has been stalled for the past five years. If bail is granted, he will go abroad and he will not face the case and further submitted that the petitioner has involved in another case in which, he is arrayed as the first accused.

<https://hcservices.ecourts.gov.in/hcservices/>

4 Considering the facts and circumstances of the case, this Court is



not inclined to grant bail to the petitioner. Hence, this petition is dismissed. However, considering the facts that the case is ripened for trial, the learned Judicial Magistrate, Thanjavur shall complete the committal proceedings within a period of two weeks and the trial Court shall dispose of the case on merits and in accordance with law within a period of three months, therefrom.

sd/-

22/09/2015

/ TRUE COPY /

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

TO

- 1 THE INSPECTOR OF POLICE NADUCAUVERY POLICE STATION,
THANJAVUR DISTRICT.
 - 2 THE JUDICIAL MAGISTRATE, THANJAVUR
 - 3 DO THRO' THE CHIEF JUDICIAL MAGISTRATE , THANJAVUR
 - 4 THE THE ADDITIONAL PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH
COURT, MADURAI.
 - 5 THE SUPERINTENDENT, CENTRAL PRISON, TRICHY
- +1. CC to M/S.M.P.SENTHIL Advocate SR.No.56039

ORDER
IN
CRL OP(MD) No.18265 of 2015
Date :22/09/2015

JAM/NGM-SS/SAR-I/29.9.15/2P-7C