



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

Wednesday, the Twenty Fifth day of November Two Thousand Fifteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.22270 of 2015

I. PRABAKARAN

... PETITIONER/ACCUSED NO.

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
THIRUNEELAKUDI POLICE STATION,
KUMBAKONAM,
THANJAVUR DISTRICT,
CRIME NO.84 OF 2010.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S R.S.T. RAVANAN @ RAMASUBRAMANI Advocate

For Respondent : MR.K.ANBARASAN, Government Advocate (Crl. Side)

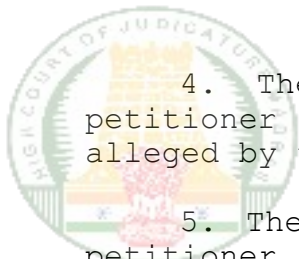
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner/accused was arrested on execution of NBW issued on 04.09.2015 and remanded to judicial custody on 14.11.2015. The petitioner has been charged for the offences punishable under Sections 147, 148, 324 and 109 of IPC r/w. Section 3(1)(2) of the Tamil Nadu Property (Prevention of Damage and Loss) Act, 1992 and Sections 3(1)(x), 3(1)(xi), 3(1)(iii) and 3(2)(iv) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, in Crime No.84 of 2010, on the file of the respondent police and hence, seeks bail.

2. The case of the prosecution is that against the petitioner and others, a connected case in S.S.C.No.1 of 2014 was taken on file by the learned I Additional Sessions Judge (PCR), Thanjavur and the same was posted on 04.09.2015, for merging of charges in S.S.C.No.1 of 2014, S.S.C.No.2 of 2014 and S.S.C.No.4 of 2014. The petitioner did not appear on the said date. Hence, Non-bailable Warrant was issued against the petitioner and on execution of the same, the petitioner was remanded to judicial custody on 14.11.2015.

3. The case of the petitioner is that he is regularly attending the Court and on 14.11.2015, he suddenly fell ill and he could not attend the hearing. The petitioner filed petition under Section 317 Cr.P.C., to dispense with his personal appearance. The learned Judge did not consider the same and issued Non-bailable Warrant. He is working as a ~~Marriage Commissioner~~ in the only breadwinner of his family. His Betrothal was fixed on 30.10.2015 and the Marriage is scheduled to be conducted on 29.01.2016.



4. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution.

5. The learned Government Advocate (Crl. Side) submitted that the petitioner and 35 accused are involved in the occurrence and the petitioner is not co-operating with trial and protracting the same. If the petitioner is enlarged on bail, the progress of the trial would be affected and the trial is posted to 24.12.2015.

6. Considering the fact that the petitioner is not co-operating with the trial and he is not attending the hearing and accepting the contentions of the learned Government Advocate (Criminal side) that if the petitioner is enlarged on bail, the progress of the trial would be affected and the trial is posted to 24.12.2015, this Court is not inclined to grant bail to the petitioner. Hence, this petition is dismissed.

sd/-
25/11/2015

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

TO

- 1 THE INSPECTOR OF POLICE, THIRUNEELAKUDI POLICE STATION,
KUMBAKONAM, THANJAVUR DISTRICT,
- 2 THE ADDITIONAL PUBLIC PROSECTUOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 3 THE OFFICER INCHARGE, SUB-JAIL, THIRUVIDAIMARUTHUR.

ORDER
IN
CRL OP(MD) No.22270 of 2015
Date :25/11/2015

CSL/NGM-SS/SAR-I/30.11.2015
2P/4C