



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

Wednesday, the Twenty Seventh day of July Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.12971 of 2016

MUTHUKUMAR

... PETITIONER/ACCUSED No.3

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
THIDEERNAGAR POLICE STATION,
THIDEERNAGAR,
MADURAI CITY,
CR NO. 492 OF 2012.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S J.LAWRANCE Advocate

For Respondent : MR.P.KANNITHEVAN, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

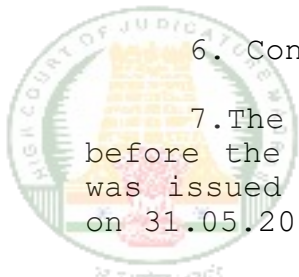
The petitioner is arrayed as accused No.3, who was arrested and remanded to judicial custody on 31.05.2016 for the alleged offences punishable under Sections 147, 148, 294(b), 307 r/w 149 of IPC, in P.R.C.No.55 of 2014, on the file of the learned Judicial Magistrate No.V, Madurai and hence, seeks bail.

2.The case of the petitioner is that the petitioner is innocent person and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case.

3.From the records, it is seen that the petitioner was granted bail. Subsequently, he did not appear on 22.12.2014 and therefore, Non-Bailable Warrant was issued on 22.12.2014 and the same was executed on 31.05.2016.

4.According to the petitioner, he did not appear on 22.12.2014 and his Advocate did not represent, therefore, Non-Bailable Warrant was issued. The absence of the petitioner on the day is neither willful nor wanton.

5.The learned Government Advocate (Crl.side) submitted that after enlarging the petitioner on bail, the petitioner did not appear before the Court on 22.12.2014 and therefore, Non-Bailable Warrant was issued. The petitioner was absent and he did not appear in committal proceedings, therefore, committal proceedings could not be proceeded with and the case P.R.C.No.55 of 2014 from P.R.C.No.25 of 2013. If the petitioner is enlarged on bail, again he will abscond and committal proceedings cannot be proceeded with.



6. Considered the rival submissions.

7. The petitioner after being enlarged on bail, he did not appear before the trial Court on 22.12.2014 and therefore, Non-Bailable Warrant was issued on the same day and he was arrested by the respondent police on 31.05.2016 after 1 ½ years.

8. Considering the facts and circumstances of the case and also considering the contention of the learned Government Advocate that if the petitioner is enlarged on bail he will abscond and committal proceedings cannot be proceeded with and trial could not be proceeded, this Court is not inclined to grant bail to the petitioner. Hence, this petition is dismissed.

sd/-
27/07/2016

/ TRUE COPY /

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

TO

1 THE ADDL. PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

2 THE SUPERINTENDENT
CENTRAL PRISON, MADURAI.

3 THE INSPECTOR OF POLICE
THIDEERNAGAR POLICE STATION,
THIDEERNAGAR, MADURAI CITY,

ORDER
IN
CRL OP(MD) No.12971 of 2016
Date :27/07/2016

AM/NGM.MP/SAR-I/01.08.2016/2P/4C