



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

Tuesday, the Ninth day of August Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.14168 of 2016

MUTHU @ PETCHIMUTHU

... PETITIONER/SOLE ACCUSED

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE
NANGUNERI POLICE STATION,
NANGUNERI,
TIRUNELVELI DISTRICT.
(CRIME NO.190 OF 2013)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S T.A.EBENEZER Advocate

For Respondent : M/S.P.KANNITHEVAN,
Government Advocate (Crl. Side)

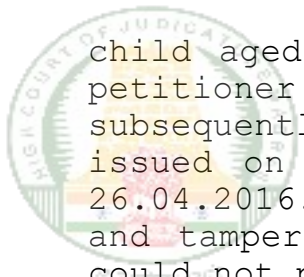
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner who is arrayed as accused was arrested and remanded to judicial custody on 26.04.2016 on the execution of non-bailable warrant issued by the committal Court on 11.09.2015 in PRC.No.31 of 2015 on the file of the learned Judicial Magistrate, Nanguneri, for the alleged offences punishable under Sections 324,307 and 302 of IPC in Crime No.190 of 2013, on the file of the respondent police and hence, seeks bail.

2. The case of the petitioner is that the the petitioner charged for the above said offences and he was arrested and remanded to judicial custody on 29.01.2014 and subsequently, he was enlarged on bail. The petitioner did not appear for 3 consequent hearing before the committal Court and therefore, NBW was issued on 11.09.2015 and he was arrested on 26.04.2016 for execution of non-bailable warrant and the case has been committed before Sessions Court, Thirunelveli in S.C.No.297 of 2016, on the file of the Principal Sessions Judge, Thirunelveli. The petitioner has not committed any offence and on suspicion only his name has been falsely stated in this case.

3.The learned Government Advocate(Crl.side) submitted that the petitioner was illegally transporting the sand when the Thasildar stopped the Lorry, he did not stop the Lorry and hit the



child aged about 3 years and due to the injury child died. The petitioner was arrested and enlarged on bail on 29.01.2014 and subsequently, he did not appear and jumped out the bail and NBW was issued on 11.09.2015 and only after 7 months he was arrested on 26.04.2016. If the petitioner is enlarged on bail, he will abscond and tamper the witness and hamper the investigation and the trial could not proceed with.

4. Considering the serious nature of allegations and that after being enlarged on bail the petitioner was absconded and NBW was issued on 11.09.2015 and after a period of 7 months NBW was executed, this Court is not inclined to enlarge the petitioner on bail.

5. Accordingly, the Criminal Original Petition is dismissed.

sd/-
09/08/2016

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE
NANGUNERI

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT

3. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

4. THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI

5. THE INSPECTOR OF POLICE
NANGUNERI POLICE STATION,
NANGUNERI,
TIRUNELVELI DISTRICT.

RL/6C/2P/SS-2/SARIII/22/8/2016

ORDER
IN
CRL OP (MD) No.14168 of 2016
Date : 09/08/2016