



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

Thursday, the Thirty First day of March Two Thousand Sixteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.1928 of 2016

ARUNKUMAR

... PETITIONER/SOLE ACCUSED

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
PAPANASAM POLICE STATION,
THANJAVUR DISTRICT.
(CRIME NO. 396 OF 2015)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S G.THALAIMUTHARASU Advocate

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

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

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 30.12.2015, for the offence punishable under Sections 306 I.P.C., in Crime No.396 of 2015, on the file of the respondent Police, seeks bail.

2. On 24.02.2016, this Court passed the following order:

The petitioner, who was arrested and remanded to judicial custody on 30.12.2015, for the offence punishable under Sections 306 I.P.C., in Crime No.396 of 2015, on the file of the respondent Police, seeks bail.

2. Heard Mr.G.Thalaimutharasu, learned counsel appearing for the petitioner /accused and Mr.A.P.Balasubramani, learned Government Advocate (Criminal Side) appearing for the State.

3. It is seen that the petitioner / accused was arrested by the respondent Police on 30.12.2015, in connection with Crime No.396 of 2015 for the offence under Section 306 I.P.C. The petitioner / accused filed Crl.M.P.No.178 of 2016, before the learned Principal District and Sessions Judge, Thanjavur, which was dismissed on 25.01.2016. Thereafter, the petitioner / accused filed the present criminal original petition for bail before this Court on 01.02.2016. On 03.02.2016, when the matter was taken up for hearing, this Court informed the learned counsel for the petitioner / accused that granting of bail to the petitioner / accused was considered on 24.02.2016 (today). Today, when the matter is taken up for hearing, the learned counsel for the petitioner / accused has submitted that the petitioner /



accused approached the learned Principal District and Sessions Judge, Thanjavur, in Crl.M.P.No.443 of 2016 and has been enlarged on bail by Order, dated 17.02.2016.

4. On reading of the bail Order, dated 17.02.2016, passed by the learned Principal District and Sessions Judge, Thanjavur, it is seen that he was aware of the earlier dismissal of Crl.M.P.No.178 of 2016, by the same Court, but he has not been informed about the pendency of this criminal original petition before this Court for bail.

5. Under such circumstances, the learned Principal District and Sessions Judge, Thanjavur, is directed to conduct enquiry in this regard and take steps to cancel the bail granted to the petitioner, vide order dated 17.02.2016 in Crl.M.P.No.178 of 2016, and send report to this Court, on or before 15.03.2016.

6. Mrs.P.Lakshmi, Inspector of Police attached to Papanasam Police Station, Thanjavur District, who is present today, is directed to be present before this Court on 16.03.2016.

7. Call on 16.03.2016.

3. Today, Mr.Ramesh, Inspector of Police, Papanasam Police Station, has filed a counter affidavit, wherein, in Paragraph Nos.7,8,9 and 10, it has been stated as follows:

"7.I further submitted that the Mahamagam Banthopasthu festival started from 30.01.2016 to 26.02.2016. During the festival time, there is only one para police in the surroundings of Kumbakonam police stations and they received the message from the public prosecutor office, all police officers and constables in Mahamagam Banthopasthu duty at Kumbakonam. So they are unable to appear before the Hon'ble Principal District Sessions Judge, Thanjavur.

8. I further submitted that, the Hon'ble Principal District Sessions Judge, Thanjavur perusal of the earlier dismissed ordered and duration of the custody grant bail to the petitioner.

9. I further submitted that, I and my subordinate of the police station purely unable to attend before the Hon'ble Principal District Sessions Judge, Thanjavur due to Mahamagam Banthopasthu duty at Kumbakonam. I and subordinate not to appear before the Hon'ble Principal District Sessions Judge, Thanjavur willfull nor wanton.

10. I further submitted that, the petitioner at the time of filing of bail application in Cr.M.P.No.443/2016 very word mentioned in para No.7 "The petitioner has not filed pending or dismissed any other bail petition either before this Hon'ble Court or before the Hon'ble High Court, Madras at Madurai Bench".



4. Accepting the said explanations, this petition is closed.
sd/-

31/03/2016

/ TRUE COPY /

WEB COPY

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

TO

- 1 THE PRINCIPAL DISTRICT AND SESSIONS JUDGE,
THANJAVUR
- 2 THE SUPERINTENDENT OF POLICE,
THANJAVUR
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- 4 THE OFFICER INCHARGE, BORSTAL SCHOOL,
THANJAVUR.
- 5 THE INSPECTOR OF POLICE
PAPANASAM POLICE STATION,
THANJAVUR DISTRICT.

+1. CC to M/S G.THALAIMUTHARASU Advocate SR.No.15056.

ORDER
IN
CRL OP(MD) No.1928 of 2016
Date :31/03/2016

AM/AAL.MPA/SAR-I/31.03.2016/3P/7C