



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

Tuesday, the Twenty Ninth day of August Two Thousand Seventeen

PRESENT

WEB COPY

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL OP(MD) No.10200 of 2017

MATHIYALAGAN

... PETITIONER/ ACCUSED No.1

Vs

STATE REP BY
THE INSPECTOR OF POLICE
SUTHAMALLI POLICE STATION, CRIME NO.221/2006
TIRUNELVELI DISTRICT

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.K.MUTHUMALAI Advocate

For Respondent : Mr.A.RAMAR, ADDITIONAL PUBLIC PROSECUTOR

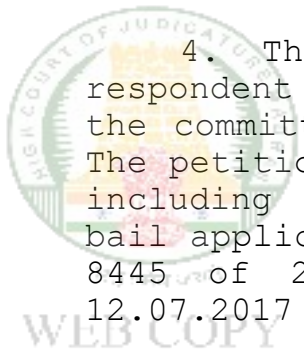
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner who was arrested and remanded to judicial custody on 03.05.2017, for the offences punishable under Sections 392 r/w 397 of IPC., in Crime No.221 of 2006, on execution of Non Bailable Warrant issued against him in P.R.C.No.53 of 2008, on the file of the learned Judicial Magistrate, Cheranmahadevi, in Crime No.221 of 2006 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that there are totally four accused in this case and the petitioner is arrayed as A1. NBW against A2 is still pending.A3 and A4 are appearing before the concerned Court and A1 is in custody. A1 was arrested on NBW on 03.05.2017 for his absence from 02.01.2017.

3.The learned counsel appearing for the petitioner states that since he is a lorry driver by profession and used to visit northern states of India frequently and hence, the petitioner filed a revision through his counsel and it was dismissed by the concerned Court. Then thereafter only, NBW was issued against the petitioner herein. The petitioner is in custody from 03.05.2017 and NBW against A2 is still pending. The learned counsel appearing for the petitioner requests this Court to grant bail in favour of the petitioner herein, by imposing stringent conditions.



4. The learned Additional Public Prosecutor appearing for respondent would submit that, If the petitioner is released on bail, the committal proceedings will be affected by the concerned Court. The petitioner is having bad antecedents for his four previous cases including for the offences under section 302 of IPC. The earlier bail application moved by the petitioner in Crl.O.P(MD).Nos.7202 and 8445 of 2017 were dismissed by this Court on 16.06.2017 and 12.07.2017 respectively.

5. Considering the above facts and circumstances of the case and also considering the fact that PRC No.53 of 2008 is pending without any progress. Since NBW is pending against A2, this Court is not inclined to grant bail to the petitioner at this stage and accordingly this Criminal Original Petition is dismissed. Further, the trial Court is directed to split up the case against A2 and commit the petitioner and others to the Sessions Court and send the report of compliance to the Registry of this Court, as early as possible.

sd/-
29/08/2017

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

TO

- 1 THE JUDICIAL MAGISTRATE
CHERANMAHADEVI,
TIRUNELVELI
- 2 - DO- THRO THE CHIEF JUDICIAL MAGISTRATE
CHERANMAHADEVI
TIRUNELVELI
- 3 THE INSPECTOR OF POLICE
SUTHAMALLI POLICE STATION, CRIME NO.221/2006
4. THE SUPERINTENDENT OF CENTRAL PRISON,
PALAYAMKOTTAI, TIRUNELVELI
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT
MADURAI

ORDER
IN
CRL OP(MD) No.10200 of 2017
Date :29/08/2017

SM:RR-BS:SAR1:05/09/2017:2P/6C

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