



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

Thursday, the Thirty First day of August Two Thousand Seventeen

PRESENT

WEB COPY

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

CRL OP(MD) No.11159 of 2017

S.DAVID @ VELLAIYAN

... PETITIONER / ACCUSED No.3

Vs

THE STATE OF TAMILNADU REP.BY,
THE INSPECTOR OF POLICE
KARUNGAL POLICE STATION, KANYAKUMARI DISTRICT.
CRIME NO. 500 OF 2009

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.REGU Advocate

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

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

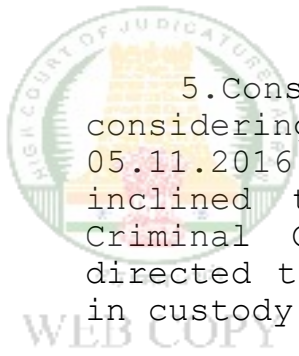
ORDER : The Court Made the following order :-

The petitioner / accused, who was arrested on 16.06.2017 for the offences punishable under Sections 341, 294(b), 324 and 307 IPC in Crime No.500 of 2009 in P.R.C.No.9 of 2016 on the file of the Judicial Magistrate, Eraniel, seeks bail.

2. A report dated 29.08.2017 was received from Principal District Munsif cum Judicial Magistrate, Eraniel. In the said report nothing has been stated with regard to issuance of summons upon the petitioner herein. The case is pending for committal and fresh summons was issued to A1 and the matter was posted on 07.09.2017.

3.The learned counsel for the petitioner would submit that the petitioner has not received summons.

4.The learned Additional Public Prosecutor submitted that totally there are 3 accused in P.R.C.No.9 of 2016 and due to non appearance of the petitioner on 05.11.2016 non bailable warrant was issued against the petitioner and based on the same, the petitioner was arrested on 16.08.2017 and he is in custody. He further submitted that charge sheet was laid before the concerned Court on 19.10.2010, but, the same was taken on file only on 24.02.2016.



5.Considering the facts and circumstances of the case and considering the fact that the petitioner was absconding from 05.11.2016 and the said case is in P.R.C.stage, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original petition is dismissed. The Trial Court is directed to commit the case without any delay as the petitioner is in custody from 16.06.2017 onwards.

sd/-
31/08/2017

/ TRUE COPY /

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

TO

- 1 THE PRINCIPAL DISTRICT MUNSIF
CUM JUDICIAL MAGISTRATE ,
ERANIERL
KANYAKUMARI DISTRICT.
- 2 -DO- THRO THE CHIEF JUDICIAL MAGISTRATE
KANYAKUMARI DISTRICT AT NAGERCOIL.
- 3 THE INSPECTOR OF POLICE
KARUNGAL POLICE STATION, KANYAKUMARI DISTRICT.
- 4 THE SUPDT OF CENTRAL PRISON
PALAYAMKOTTAI,TIRUNELVELI
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,MADURAI.

ORDER
IN
CRL OP(MD) No.11159 of 2017
Date :31/08/2017

MV:RR-BS:SAR3:12/09/2017/2P/6C