



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

Wednesday, the Twentieth day of September Two Thousand Seventeen

PRESENT

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

CRL OP(MD) No.11509 of 2017

D.BENNESTY @ THATHEUS BENNESTY ... PETITIONER / ACCUSED No.6

Vs

State rep.by
THE INSPECTOR OF POLICE,
KOTTICODE POLICE STATION, KOTTICODE,
KANYAKUMARI DISTRICT.
CRIME NO.157 OF 2012.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.M.SANKAR Advocate

For Respondent : Mr.A.Ramar, Additional Public Prosecutor

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

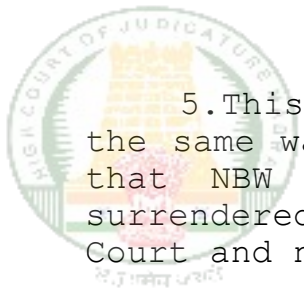
ORDER : The Court Made the following order :-

The petitioner / A6, who was arrested on 23.06.2017 on the basis of Non Bailable Warrant issued by the learned Judicial Magistrate, Padmanabhapuram, for the offences punishable under Sections 147, 148, 363, 342, 387 and 506 (ii) of IPC in P.R.C.No.12 of 2012, seeks bail.

2.The learned counsel for the petitioner would submit that the petitioner is in custody from 23.06.2017 onwards and he is ready to abide any condition.

3.The learned Additional Public Prosecutor would submit on instructions that totally there are 7 accused in P.R.C.No.12 of 2012 pending on the file of the learned Judicial Magistrate, Padmanabhapuram and the petitioner herein is arrayed as A6. He further submitted that Non Bailable Warrant was issued against the petitioner on 21.05.2015 and executed on 23.06.2017 and now he is in custody. He also submitted that if the petitioner is released on bail, he will abscond and it will affected the committal proceedings.

4.The learned Additional Public Prosecutor further submitted that this is a 3rd petition, filed by the petitioner, seeking bail. The earlier bail petitions moved by this petitioner in Crl.O.P(MD) NOS.8736 & 9437 of 2017 were dismissed by this Court on 11.07.2017 and 21.07.2017 respectively.



5.This Court was called for a report from the Court below and the same was received by this Court. The report reveals the fact that NBW issued against A2 and executed on 05.09.2017 and surrendered on 08.09.2017 and all the accused are appearing before Court and now the case is pending for committal.

6.Considering the facts and circumstances of the case and considering the fact that the stage of the case in P.R.C.No.12 of 2012 pending for more than 5 years in committal stage and the conduct of the petitioner, who was absent on 21.05.2015 and was absconding and now he was arrested under NBW on 23.06.2017, this Court is not inclined to grant bail to the petitioner at this stage. Accordingly, this petition is dismissed.

sd/-
20/09/2017

/ TRUE COPY /

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

TO

- 1 JUDICIAL MAGISTRATE, PADMANABHAPURAM
- 2 -DO-THRO THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL
- 3 THE INSPECTOR OF POLICE
KOTTICODE POLICE STATION,
KOTTICODE, KANYAKUMARI DISTRICT
- 4 THE OFFICERS INCHARGES
DISTRICT JAIL, NAGERCOIL, KANYAKUMARI DISTRICT
- 5 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

ORDER
IN
CRL OP(MD) No.11509 of 2017
Date :20/09/2017

SM:RR-SAR I:5.10.2017:2P/6C