



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

Monday, the Twenty Third day of October Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.13094 of 2017

ALBERT

... PETITIONER / ACCUSED No.4

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
KOTTICODE POLICE STATION,
KANYAKUMARI DISTRICT.
(PRC.13/2004)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.R.RAJESH Advocate

For Respondent : Mr.K.ANBARASAN, Govt. Advocate (Crl. Side)

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

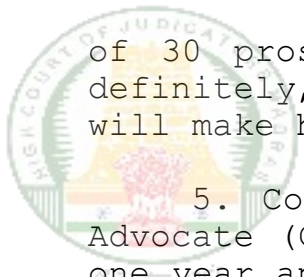
ORDER : The Court Made the following order :-

The petitioner/accused No.4, who was arrested and remanded to judicial custody on 14.01.2017, for the alleged offences punishable under Sections 147, 148, 324, 326 read with 307 and 302 of IPC., and Section 3 of Explosive Act, in P.R.C.No.13 of 2004, on the file of the Judicial Magistrate Court, Padmanabhapuram.

2. The case of the prosecution is that the petitioner involved in the above said offences in the year 1997 and after filing charge sheet in the year 2004, the case was taken on file in P.R.C.No.13 of 2014. Since the petitioner did not appear before the Court below on 19.02.2015, non-bailable warrant was issued against him on the same day. After lapse of one year, the petitioner was arrested and remanded to judicial custody on 14.01.2017. Hence, this petition.

3. It is stated by the learned counsel for the petitioner that since the petitioner taking treatment for osteoarthritis knee joint pain, he did not attend the Court. Hence, non-bailable warrant was issued against the petitioner and he was arrested. He further stated that the non-appearance of the petitioner before the Court below is neither willful nor wanton and he prays for bail.

4. The learned Government Advocate (Crl. Side) appearing for the state submitted that due to non-cooperation of the petitioner, the case was split up and today, it was posted for chief-examination



of 30 prosecution witnesses. If bail is granted to the accused, definitely, he will again abscond from the clutches of law and he will make hindrance to the progress of trial.

5. Considering the submission made by the learned Government Advocate (Crl. Side) that the petitioner was absconded for the past one year and he was secured only on January 2017, under non-bailable warrant and the earlier condition imposed by this Court also violated and also considering the gravity of the offence committed by the petitioner, I am not inclined to grant bail to the accused and accordingly, this Criminal Original Petition is dismissed.

sd/-
23/10/2017

/ TRUE COPY /

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

TO

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

JAM/31.10.17/RR-BS/SAR 3/ 2P-6C

ORDER
IN
CRL OP(MD) No.13094 of 2017
Date :23/10/2017