



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

Monday, the Thirtieth day of October Two Thousand Seventeen

WEB COPY

PRESENT

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

CRL OP(MD) No.13623 of 2017

KUMAR

... PETITIONER/ACCUSED No.4

Vs

STATE THROUGH
THE INSPECTOR OF POLICE
ERANIEL POLICE STATION,
KANYAKUMARI DISTRICT,
(CR.NO.869/1997)

... RESPONDENT/COMPLAINANT

For Petitioner : Mr.B.N.RAJA MOHAMED Advocate

For Respondent : Mr.T.MOHAN, Additional Public Prosecutor

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

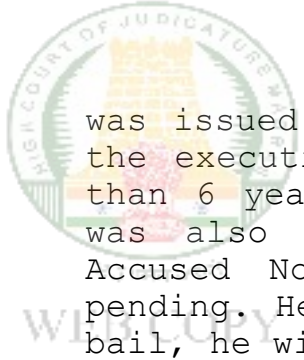
ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 31.08.2017, for the offences punishable under Sections 147, 148, 323, 324, 427 and 307 I.P.C., in Crime No.869 of 1997 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner and other two accused for driving his sister Santhi to commit suicide by self immolation out of dowry harassment.

3.The learned counsel appearing for the petitioner states the petitioner failed to appear before the Judicial Magistrate, Eraniel on 06.01.2012 and therefore, NBW was issued against him and he was arrested on 31.08.2017. He further submits that the petitioner's wife and children are under medical treatment and the petitioner's daughter is victimized by febrile seizure who requires regular medical treatment for which the petitioner presence is quintessential.

4.The learned Additional Public Prosecutor appearing for the respondent, on instructions, would submit that the petitioner herein is arrayed as Accused No.4 in P.R.C.No.37 of 2004 pending for the committal stage on the file of the learned Judicial Magistrate, Eraniel. The petitioner was absent on 06.01.2012 and therefore, NBW



was issued against the petitioner herein and he was arrested under the execution of NBW only on 31.08.2017 and he was absconded more than 6 years in this case. The report of the concerned Magistrate was also received by this Court dated 12.10.2017 stating that Accused No.2 died and NBW against Accused No.3 is also still pending. He further submitted that if the petitioner is released on bail, he will be again absconding from the clutches of law.

5. Considering the above facts and circumstances of the case and also considering the fact that the case was registered in the year 1997 and PRC was taken on file in the year 2004 and NBW was issued against the petitioner on 06.04.2012 and the petitioner was absent more than 6 years, he was arrested only on 31.08.2017 and there is no progress in this case for committal, this Court is not inclined to grant bail to the petitioner, at this stage. Hence, this Criminal Original Petition stands dismissed.

6.The learned Judicial Magistrate, Eraniel is directed to commit the case to the concerned Sessions Court within a period of one month from the date of receipt of a copy of this order.

sd/-
30/10/2017

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

TO

- 1 THE JUDICIAL MAGISTRATE
ERANIEL POLICE STATION, KANYAKUMARI DISTRICT.
- 2 -do- thro' THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMAR DISTRICT AT NAGERCOIL
- 3 THE OFFICER INCHARGE
SUB JAIL, NAGERCOIL.
- 4 THE INSPECTOR OF POLICE
ERANIEL POLICE STATION, KANYAKUMARI DISTRICT,
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

ORDER IN
CRL OP(MD) No.13623 of 2017
Date :30/10/2017