



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

Tuesday, the Fourth day of April Two Thousand Seventeen

PRESENT

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

CRL OP(MD) No.2717 of 2017

KUMAR @ OLLIKUMAR

... PETITIONER/ ACCUSED NO.4

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
DEVAKOTTAI TOWN POLICE STATION,
SIVAGANGAI DISTRICT.
CRIME NO.807 OF 2008

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.P.SENGUTTUARASAN Advocate

For Respondent :M/S P.KANDASAMY, Govt. Advocate (Crl. Side)

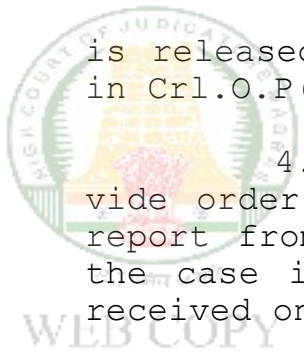
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 21.12.2016, pursuant to the NBW issued, due to non-appearance of the petitioner on 8.6.2011, for the offences punishable under Sections 454, 380 and 302 of IPC., in Crime No.807 of 2008 and pending as S.C.No.45 of 2011, on the file of the learned Sessions Judge, Sivagangai, seeks bail.

2. The learned Counsel appearing for the petitioner submitted that the petitioner has no information about the details of hearing and the pendency of this case and he has very much interested to cooperate with the case, which has been pending before the concerned Session Judge.

3. The learned Government Advocate (crl.side) appearing for the respondent states that there are totally 7 accused in this case and out of which, the two accused are juveniles and one accused died and the remaining 4 accused are in custody. He would further submit that charge sheet has been filed against the accused in this case and is pending as S.C.No.45 of 2011, on the file of the learned Sessions Judge, Sivagangai, for trail. He also submitted that NBW was issued against the petitioner on 08.06.2011, for his non appearance and was executed only on 20.12.2016 and because of absconding of this accused, there is no progress in the case in S.C.No.45 of 2011, which is pending for more than 5 years before the Sessions Judge, Mahila Court, Sivagangai, and if the petitioner



is released on bail, he will again abscond. Earlier bail petition in CrI.O.P(MD)No.1028 of 2017 was dismissed on 31.01.2017.

4. On perusal of the records would reveal that this Court vide order, dated 14.03.2017, directed the Registry to call for a report from the learned Session Judge, Sivagangai, in respect of the case in S.C.No.45 of 2011 and accordingly, a report was also received on 22.03.2017 and the same is also perused.

5. Considering the facts and circumstances of the case and also the conduct of the petitioner, who absconded from 8.06.2011 to 20.12.2016 and the remaining accused are still in custody, this court is not inclined to grant bail to the petitioner, at this stage, since the case is pending from the year 2011 onwards. Accordingly, this criminal Original petition is dismissed. The trial Court is directed to dispose the case within a period of three months from the date of receipt of a copy of this order and to report the same to this Registry, since the said case is in the year of 2011 and the accused are under trial prisoners.

sd/-
04/04/2017

/ TRUE COPY /

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

TO

- 1.THE SESSIONS JUDGE,
FAST TRACK MAHILA COURT, SIVAGANGAI.
- 2.THE SUPERINDENT, CENTRAL PRISON, MADURAI.
- 3.THE INSPECTOR OF POLICE,
DEVAKOTTAI TOWN POLICE STATION,SIVAGANGAI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN
CRL OP(MD) No.2717 of 2017
Date :04/04/2017

MS/PM.PN/SAR.2/10.04.2017/2P.5C