



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.04.2017

CORAM:

THE HON'BLE MR.JUSTICE P.N.PRAKASH

Cr1.O.P. (MD) No.21424 of 2016

1. Raja
2. Siva

... Petitioners/A2 & A6

-vs-

State represented by
The Inspector of Police,
Aranthangi Police Station,
Pudukottai District.
(Crime No.381 of 2009)

... Respondents/Complainant

PRAYER: Petition is filed under Section 482 of the Criminal Procedure Code praying to direct the learned District Sessions Court, District to consider and dispose of the bail application of the petitioner in PRC.No.33/2009 on the file of the learned Judicial Magistrate Aranthangi on the same day of their surrender.

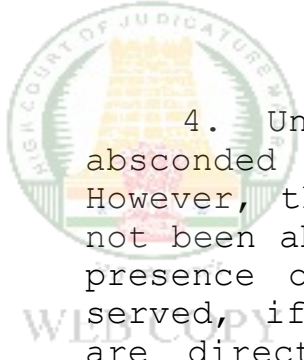
For Petitioner : Mr.M.Fernand
For Respondent : Mr.A.P.Balasubramani
Govt. Advocate (Cr1.Side)

O R D E R

This petition has been filed, seeking to direct the learned District Sessions Court, Pudukottai District to consider and dispose of the bail application of the petitioner in P.R.C.No.33 of 2009 on the file of the learned Judicial Magistrate, Aranthangi on the same day of their surrender.

2. On the complaint given by one Neethi Rajan, the respondent police registered a case in Crime No.381 of 2009 and after completing the investigation filed a final report for offences under Sections 147 and 323 IPC r/w Section 3(1)(x) of SC/ST Act, 1989 against six persons, including the petitioners herein. Despite summons and warrants, the petitioners did not appear before the jurisdictional Magistrate and therefore, the case against the petitioners was split up and the remaining accused were tried in S.C.No.107 of 2017 and were subsequently acquitted of the charges. Now, the petitioners are before this Court with the above prayer.

3. Learned counsel for the petitioners submitted that the petitioners have gone abroad.



4. Under ordinary circumstances, the petitioners, having absconded from 2009, cannot be granted any relief as prayed for. However, this Court found that from 2009 to 2017, the Police have not been able to execute the Non Bailable Warrant for securing the presence of the petitioners and therefore, no purpose would be served, if the case is kept pending. Therefore, the petitioners are directed to surrender before the concerned jurisdictional Court. If thereafter, the petitioners abscond, a fresh FIR can be registered against them under Section 229-A IPC.

5. With the above direction, this petition is disposed of with costs. The petitioners are directed to pay a sum of Rs.1,000/- (Rupees One Thousand only) each to the credit of Indian Bank Savings Account No.6514082295, operated by the Registrar (Administration), Madurai Bench of Madras High Court, Madurai, for the purpose of removal of Seemai Karuvelam Trees, within a period of two weeks from the date of receipt of a copy of this order. After making payment, a copy of the challan shall be furnished to the Registrar (Administration), Madurai Bench of Madras High Court, Madurai.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To:

1. The Judicial Magistrate, Arathangi.
2. The Inspector of Police,
Aranthangi Police Station,
Pudukottai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to:

- 1 The Registrar (Administration),
Madurai Bench of Madras High Court, Madurai**
- 2 The Bank Manager, Indian Bank,
Madurai Bench of Madras High Court, Madurai**

+1 cc to Mr.K.GOKUL, Advocate SR.No. 50340

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