



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

Thursday, the Twelfth day of January Two Thousand Seventeen

WEB COPY

PRESENT

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

CRL OP(MD) Nos.23517 AND 23664 of 2016

MUNIYASAMY@ THOPPULI MUNIYASAMY

... PETITIONER/8th ACCUSED IN
BOTH PETITIONS.

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
ABIRAMAM POLICE STATION,
KAMUTHI TALUK,
RAMANATHAPURAM DISTRICT

... RESPONDENT / COMPLAINANT
IN BOTH PETITIONS.

(CRIME NO.53 OF 2006) IN CRL OP(MD) No.23517 of 2016

(CRIME NO.54 OF 2006) IN CRL OP(MD) No.23664 of 2016

For Petitioner : M/S.S.MUNIYANDI Advocate IN BOTH PETITIONS.

For Respondent : MR.P.KANDASAMY, Govt. Advocate (Crl. Side) IN
BOTH PETITIONS.

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

ORDER : The Court Made the following order :-

The petitioner/accused, who was arrested pursuant to the non-bailable warrant issued against him and remanded to judicial custody on 17.08.2016 for the alleged offences under Sections 120(b), 307, 395 r/w 397 of I.P.C., in Crime No.53 of 2006 and for the offences under Sections 120(b), 302 and 396 of I.P.C in Crime No.54 of 2006 on the file of the respondent police, seeks bail.

2. The learned counsel for the petitioner submitted that the petitioner is arrayed as eighth accused in both the cases and in both the cases, investigation was completed and charge sheet was filed and the same are pending before the Additional District Court (Fast Track Court), Paramakudi in S.C.Nos.28 and 27 of 2007 respectively. He further submitted that the petitioner was arrested in Crime No.1151 of 2015 on 01.08.2016 and in these cases, he was formally arrested and remanded to judicial custody on 17.08.2016.

3. The learned Government Advocate(Crl. Side) appearing for the respondent/State submits that non-bailable was issued during the pendency of S.C.Nos.28 and 27 of 2007 and the petitioner is also having several other cases, which are pending for trial before different Courts.



4. The report received from the learned Additional District Judge, Fast Track Court, Ramanathapuram District, reveals the fact that at the time of examination of Investigating Officer, A-3/Gnanavelpandiyan not appeared before the Court and non-bailable warrant was issued and thereafter, this Court has directed the Court below to conduct the case speedily and dispose of the same as early as possible. But, the accused one after another absconded from appearing before the Court and left the case without progress and the learned counsel for the accused also not appeared and conducted the case and purposely dragged on the case. And the eighth accused, namely the petitioner herein was coming from Central Prison of Madras, Madurai and Virudhunagar, with strong escort of more than 25 personnel for every hearing. Due to non-cooperation of the accused and the counsel for the accused, no progress was performed and further, the accused was not ready to accept the appointment of legal aid counsel for conducting the case and the case is adjourned for every hearing without any progress with heavy cost of Government money and waste of high police personnel force.

5. Considering the above facts and circumstances of the case and also considering the fact that the cases are of the year 2007 and in view of the report received from the learned Additional District Judge, Fast Track Court, Ramanathapuram District, this Court is not inclined to grant bail to the petitioner. Accordingly, these Criminal Original Petitions are dismissed.

sd/-

12/01/2017

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

TO

1 THE ADDITIONAL DISTRICT JUDGE, THE FAST TRACK COURT,
PARAMAKUDI

2 THE INSPECTOR OF POLICE,
ABIRAMAM POLICE STATION,
KAMUTHI TALUK,
RAMANATHAPURAM DISTRICT

3 THE ADDL.PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

4 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

ORDER
IN

CRL OP (MD) Nos.23517 and 23664 of 2016
Date :12/01/2017