



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.02.2018

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.A.(MD)No.42 of 2018

Vijayashangar @ Kumar @ Vijayakumar :Appellant /
Petitioner/Accused No.9

-Vs.-

1.State represented by
The Inspector of Police,
Thalamuthunagar Police Station,
Thoothukudi District. : Respondent/
Respondent/ Complainant
(Crime No.182 of 2009)

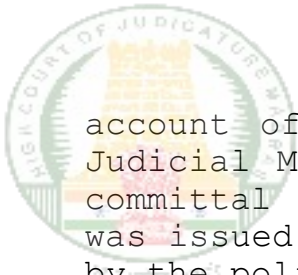
2.Muthuraj : Respondent / Respondent / *De facto*
Complainant

Prayer: Criminal Appeal is filed under Section 14a(2) of the Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, to call for the records pertaining to the order dated 15.12.2017 made in Cr.M.P.No.3559 of 2017 on the file of the II Additional District and Sessions Judge (PCR), Tirunelveli and to set aside the same and enlarge the appellants on bail in connection with Crime No.182 of 2009 on the file of the Respondent Police by allowing this Criminal Appeal.

For Petitioner : Mr.S.Sathya Chidambram
For R-1 : Mrs.S.Bharathi
Government Advocate (Crl. Side)

JUDGMENT

In respect of occurrence took place on 20.04.2009, the respondent police registered a case in Crime No.182 of 2009 under Sections 147, 148, 302, IPC @ 147, 148, 109 and 302 IPC r/w Section 3(2)(V) of the Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, against 11 accused including the petitioner herein. This petitioner was arrested and released on bail during the investigation. The police have completed the investigation and have filed a charge sheet in PRC.No.39 of 2015 before the learned Judicial Magistrate No.II, Thoothukudi. On



account of absence of this accused and eight others, the learned Judicial Magistrate No.II, Thoothukudi is not able to complete the committal proceedings till date. Therefore, Non Bailable Warrant was issued against this petitioner on 09.02.2017 and he was arrested by the police on 24.10.2017.

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2. The learned counsel appearing for the petitioner submitted that if the petitioner is granted bail, he will once again comply with the conditions.

3. Admittedly, he was granted bail. Subsequently, he jumped bail and he has absconded and thereafter, he was arrested. On account of which, the case is pending on the file of the learned Judicial Magistrate No.II, Thoothukudi even without committal. The petitioner filed Cr.M.P.No.3559 of 2017 seeking bail, which has been dismissed by the Sessions Court on 15.12.2017, against which, the present Criminal Appeal has been filed.

4. Taking into consideration the nature of the allegations against the petitioner and the fact that the petitioner has absconded and thereafter, he was arrested only on 24.10.2017, this Court is of the view that this is not a fit case to grant bail to the petitioner. Hence, this Criminal Appeal is dismissed.

Sd/-

Assistant Registrar (CS-II)

/True copy/

Sub Assistant Registrar

To

1.The Second Additional District and Sessions Judge (PCR),
Tirunelveli.

2.The Judicial Magistrate No.II, Thoothukudi.

3.The Inspector of Police, Thalamuthunagar Police Station,
Thoothukudi District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1cc to Mr.S.SATHYA CHIDAMBARAM,Advocate,SR.49813

Cr1.A.(MD)No.42 of 2018
16.02.2018

SM:

KK/SKN RSK/SAR 4/09.03.2018/ 2P- 6C/