



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.02.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.A.(MD)No.71 of 2018

Chinnappa @ Tamilselvan

: Appellant/A5

Vs.

1. The Deputy Superintendent of Police,
Pattukottai Range,
Thanjavur District.

2. The Inspector of Police,
Madukkur Police Station,
Thanjavur District.
(Crime No.277 of 2009).

3.Prasad

: Respondents 1&2/Complainants
: 3rd Respondent/Defacto
Complainant

PRAYER: Criminal Appeal is filed under Section 14-A(2) of SC/ST Act praying to set aside the order dated 08.02.2018 made in Crl.M.P.No.286 of 2018 on the file of the learned First Additional District and Sessions Judge (PCR), Thanjavur, and enlarge the appellant on bail.

For Appellant

: Mrs.A.Banumathy,
For Mr.K.M.Karunakaran

For Respondents 1&2

: Mrs.S.Bharathi,
Government Advocate (Crl.side)

JUDGMENT

The appellant is facing trial in Special S.C.No.10 of 2017 on the file of the learned First Additional District and Sessions Judge (PCR), Thanjavur for the offences under Sections 147, 148, 294(b), 324, 364 and 506(ii) of the Indian Penal Code r/w Section 3(1)(x) of SC/ST (POA) Act. Earlier, during investigation in Crime No.277 of 2009, this appellant was granted bail. After the charge sheet was filed against this appellant and the co-accused, the appellant absconded. Therefore, the case against the co-accused had been split up and the trial proceeded as against the co-accused. Ultimately, this appellant was apprehended at the Airport on 23.01.2018 when he came to India from abroad. A non-bailable warrant issued against the

appellant was pending for the last five years.

2. Mrs.A.Banumathy, learned counsel for the appellant submitted that the co-accused in this case have been acquitted and, therefore, leniency may be shown to the appellant.

3. In the opinion of this Court, on account of the abscondance of the appellant, the case had to be split up and witnesses had to be examined by the Trial Court. An absconder cannot claim the privilege of law. In such view of the matter, this is not a fit case to grant bail to the appellant at this juncture. Hence, this Criminal Appeal is devoid of merits and accordingly, the same is dismissed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The First Additional District and Sessions Judge (PCR),
Thanjavur.
2. The Deputy Superintendent of Police,
Pattukottai Range,
Thanjavur District.
3. The Inspector of Police,
Madukkur Police Station,
Thanjavur District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy To:-

The Superintendent, Central Prison,
Tiruchirappalli.

+ 1 CC TO Mr.K.M.KARUNAKARAN, ADVOCATE IN SR No. 47940

SML

TE/SKN-RSK/SAR-2 : 22/02/2018 : 2P/7C