



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

Friday, the Second day of February Two Thousand Eighteen
PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN
CRL OP(MD) No.1278 of 2018

SANKARLAL

... PETITIONER / ACCUSED No.1

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
SEMMANARKOVIL POLICE STATION,
IN CR.NO.60 OF 2009,
NAGAPATTINAM DISTRICT.

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.R.SHANKAR GANESH Advocate

For Respondent : Mr.K.CHELLAPANDIAN, Additional Advocate General
Assisted by Mr.C.RAMESH,
Additional Public Prosecutor

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

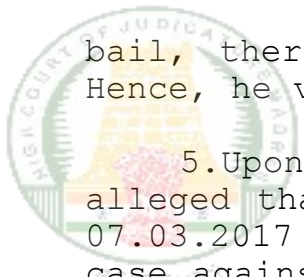
ORDER : The Court Made the following order :-

The petitioner/Accused No.1, who was arrested and remanded to judicial custody on 07.03.2017, for the offence punishable under Sections 120(B) and 380(2) I.P.C., in Crime No.60 of 2009, on the file of the respondent Police, seeks bail.

2.The case of the prosecution is that the petitioner/A1 along with other accused persons in this case have committed a theft of 6 idols from the temples. Hence, case has been registered against the petitioner/A1 and other accused persons, thereby, the petitioner herein was arrested and remanded to judicial custody.

3.The learned counsel appearing for the petitioner submitted that during the trial, due to non appearance of the petitioner, Now Bailable Warrant was issued to the petitioner on 07.06.2011 and the same was executed on 07.03.2017. Thereby, the petitioner was arrested and remanded to judicial custody. He further submitted that the non appearance of the petitioner is neither willful nor wanton. Hence, he prays for bail.

4.The learned Government Advocate(Criminal Side) appearing for the State submitted that there are four previous cases are pending against this petitioner/A1. As per charge sheet, he was transporting idols from temple to somewhere else. After completing investigation, charge sheet has been filed and the same was taken on file as C.C.No.4 of 2009 on the file of the learned Additional Chief Judicial Magistrate Court, Thanjavur. He further submitted that the trial commenced in this case, four witnesses were already examined and the case is posted for examination further witnesses on 05.02.2018. In this circumstances, if the petitioner released on



bail, there may be a chance to escape from the clutches of law. Hence, he vehemently opposed to grant bail to the petitioner.

5. Upon considering the argument advanced by either side, it is alleged that the petitioner herein is in the judicial custody from 07.03.2017 onwards. Initially, the respondent police registered a case against this accused and other accused persons for the offence punishable under Sections 457 and 380 I.P.C., The role of the petitioner in the alleged offence was, he travelled along with other accused and transported the stolen properties. Hence, case has been registered in the year 2009, thereafter, due to absconding of this petitioner, N.B.W was issued on 07.06.2011. After that he was absconding till 07.03.2017. Even though the submission made by the learned counsel appearing for the petitioner that the detention order passed against the petitioner was quashed, is not a ground for considering to allow this application. According to prosecution, as of now, there are four witnesses were examined and the case is posted for examination of remaining witnesses. Moreover, the petitioner is having 4 previous cases, in which, one is registered for the offence punishable under Section 302 I.P.C., and another one is for the offence under Section 394 I.P.C.,. So, considering the above aspects, this Court came to the conclusion that if this type of petitioner is released on bail, there may be a change for tampering the witness and hamper the investigation, this Court is not inclined to grant bail to the petitioner.

6. Accordingly, the Criminal Original Petition is dismissed.

sd/-

02/02/2018

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE ADDITIONAL CHIEF JUDICIAL MAGISTRATE,
THANJAVUR AT KUMBAKONAM.
- 2 THE INSPECTOR OF POLICE,
SEMMANARKOVIL POLICE STATION, NAGAPATTINAM DISTRICT.
- 3 THE SUPERINTENDENT, CENTRAL PRISON, CUDDALORE
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

msa

JAM/13/02/2018/CM/ SAR 2 / 2p-5c

ORDER

IN

CRL OP(MD) No.1278 of 2018

Date : 02/02/2018