



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

Wednesday, the Seventh day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.1903 of 2018

MUTTAIKAN MATHAN @ MATHANKUMAR ... PETITIONER / ACCUSED NO.2

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
KARIMEDU POLICE STATION, MADURAI.
IN CR.NO.300/2015 ... RESPONDENT / COMPLAINANT

For Petitioner : M/S.M.NELSON Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Government Advocate (Crl. Side)

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

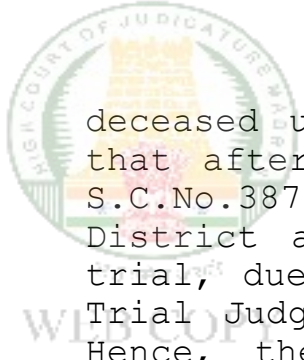
ORDER : The Court Made the following order :-

The petitioner/A2, who was arrested and remanded to judicial custody on 16.10.2017, based on the execution of the non-bailable warrant issued in S.C.No.382 of 2016, on the file of the learned VI-Additional District and Sessions Judge, Madurai, for the alleged offences punishable under Sections 294(b), 506(ii), 307, 302 and 341 of IPC in Crime No.300 of 2015, seeks bail.

2. The case of the prosecution is that due to previous enmity, the petitioner and other accused assaulted the deceased by using knife and thereby, he succumbed to injuries. Hence, the case has been registered for the above crime.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He also submitted that the petitioner has not committed any offence as alleged by the prosecution and he is in no way connected with the alleged occurrence. Hence, he prays for granting bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent on instructions, submitted that the enquiry reveals that the petitioner along with other accused stabbed the



deceased using knife and committed the crime. He further added that after filing charge sheet, the case was taken on file in S.C.No.387 of 2016, on the file of the learned VI-Additional District and Sessions Judge, Madurai, thereby, at the time of trial, due to the non appearance of the petitioner, the learned Trial Judge issued non-bailable warrant against the petitioner. Hence, the petitioner was arrested and remanded to judicial custody on 16.10.2017.

5. The submissions made by the learned counsels appearing for either side are considered. The petitioner is in judicial custody from 16.10.2017. Initially, at the time of registering the case in the year 2015, the petitioner was arrested and remanded to judicial custody. Thereafter, he was let on bail and during the time of trial in the Court of VI-Additional District Judge, Madurai, he has not appeared. So, the learned Additional District Judge issued non-bailable warrant on 08.03.2017. Thereafter, this petitioner was arrested and remanded to judicial custody on 16.10.2017. So, the trial proceedings are kept pending with the trial Court only due to the non-appearance of the petitioner. Now, considering the submissions made by the learned Government Advocate (Criminal side), it would appear that the petitioner is having the following previous cases:

Sl.No.	Name of the Police Station	Crime No.	Sections
1	Karimedu (L&O)	1205/2014	392 r/w 397, 506(ii) IPC
2	Karimedu (L&O)	241/2016	110 Cr.P.C
3	Karimedu (L&O)	536/2016	379 IPC
4	Karimedu (L&O)	687/2016	394 IPC
5	Karimedu (L&O)	692/2016	392 r/w 397, 506(ii) of IPC
6	C-2 (L&O)	502/2012	392 r/w 397, 506(ii) of IPC

Therefore, on considering the number of cases pending against the petitioner, this Court came to the conclusion that if these type of petitioners are released on bail, he may again try to abscond. Hence, this Court is not inclined to grant bail to the petitioner, accordingly, this Criminal Original Petition is dismissed.

sd/-
07/02/2018

/ TRUE COPY /

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



PJL
TO
1 THE VI ADDITIONAL DISTRICT JUDGE,
MADURAI.

2 THE INSPECTOR OF POLICE
KARIMEDU POLICE STATION, MADURAI.

3 THE SUPERINTENDENT CENTRAL PRISON, MADURAI

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.M.NELSON Advocate SR.No.2196

GJM/PM/PN/SAR-2-12.2.18-3P-6C

ORDER
IN
CRL OP(MD) No.1903 of 2018
Date :07/02/2018