



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

Tuesday, the Sixth day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.3430 of 2018

CHINNADURAI,

... PETITIONER/ACCUSED NO.3

Vs

STATE, REP.BY
INSPECTOR OF POLICE,
MURAPPANADU POLICE STATION,
THOOTHUKUDI DISTRICT.
CRIME NO.113 OF 2015

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.V.RAJIV RUFUS Advocate

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

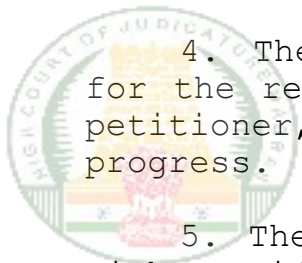
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner/Accused No.3, who was arrested and remanded to judicial custody on 08.01.2018, for the offence punishable under Section 399 of IPC., in Crime No.113 of 2015, which is now pending in S.C.No.318 of 2016, on the file of the learned II-Additional District Sessions Judge, Thoothukudi, seeks bail.

2. The case of the prosecution is that two years ago, the petitioner committed dacoity. Hence, the case has been registered against the petitioner and other accused persons. After completing investigation, charge sheet was filed before the Court concerned and the same was taken on file as S.C.No.318 of 2016 and the trial is pending. Due to the non-appearance of the petitioner, non-bailable warrant was issued against the petitioner on 03.04.2017. Subsequently, he was arrested and remanded to judicial custody on 08.01.2018.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that on the particular date of hearing, due to viral fever, the petitioner was not able to attend the Court. He further added that the non-appearance of the petitioner is neither wilful nor wanton. Therefore, he prays for grant of bail to the petitioner.



4. The learned Government Advocate (Criminal Side) appearing for the respondent submitted that due to the non-appearance of the petitioner, the case is pending before the trial court without any progress.

5. The submissions made by the learned counsels appearing for either side are considered. Initially, the petitioner has been remanded to judicial custody for the offence punishable under Section 399 of IPC. After completing the investigation, the case has been taken on file by the learned II-Additional District and Sessions Judge, Thoothukudi as S.C.No.318 of 2016. When the case is posted for 313 Cr.P.C. examination, the petitioner was not appeared before the trial Court on 03.04.2017. Subsequently, after issuing non-bailable warrant, he was arrested only on 08.01.2018. In the meantime, one another accused in the above said case was absconded from the appearance. Thereby, the entire proceedings are stagnated from the month of April, 2017 to till date. Eventhough, the petitioner is in judicial custody from 08.01.2018, the other circumstances shows that the petitioner is not in the habit of attending the Court regularly. Thereby, for the foregoing reasons stated above, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

sd/-
06/03/2018

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

PJL
TO

- 1 THE II ADDITIONAL DISTRICT AND SESSIONS JUDGE,
THOOTHUKUDI.
- 2 THE INSPECTOR OF POLICE,
MURAPPANADU POLICE STATION, THOOTHUKUDI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 4 THE OFFICER INCHARGE,
SUB JAIL, THOOTHUKUDI DISTRICT.

+1. CC to M/S.V.RAJIV RUFUS Advocate SR.No.3505

GJM/RR/CSL/SAR-2-14.3.18-2P-6C

ORDER
IN
CRL OP(MD) No.3430 of 2018
Date :06/03/2018