



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

Tuesday, the Thirteenth day of March Two Thousand and Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.3868 of 2018

KANNAN

... PETITIONER / ACCUSED No.2

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE,
MANOR POLICE STATION, TIRUNELVELI DISTRICT.
(CRIME NO.54 OF 2008)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.K.M.KARUNAKARAN, Advocate
For Respondent : Mr.K.SUYAMBULINGA BHARATHI,
Govt. Advocate (Crl. Side)

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

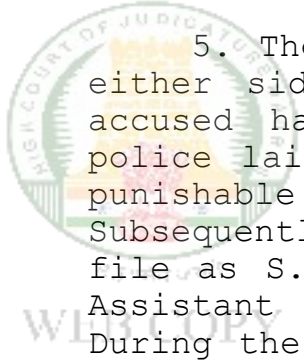
ORDER : The Court Made the following order :-

The petitioner/Accused No.2, who was arrested and remanded to judicial custody on 26.12.2017, based on the execution of the non-bailable warrant issued in S.C.No.297 of 2017, on the file of the learned Principal Assistant Sessions Judge, Tirunelveli, for the offences punishable under Sections 427, 294(b), 307 and 506(ii) IPC., in Crime No.54 of 2008, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that due to the non-appearance of the petitioner, non bailable warrant was issued against the petitioner on 30.11.2017 by the learned Principal Assistant Sessions Judge, Tirunelveli. Based on the non-bailable warrant, the petitioner was arrested and remanded to judicial custody on 26.12.2017. Hence, the petitioner approached this Court for grant of bail.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution. He further submitted that the non-appearance of the petitioner is neither willful 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 the petitioner is having two previous cases. He further submitted that due to the non-cooperation of this petitioner, the case is pending so far. He further added that if the petitioner is released on bail, again he may abscond. Hence, he prays for dismissal of this petition.



5. The submissions made by the learned counsels appearing for either side are considered. Previous to the date, on which the accused have been remanded to judicial custody, the respondent police laid charge sheet against this petitioner for the offences punishable under Sections 427, 294(b), 307 and 506(ii) IPC., Subsequently, as of now, the said charge sheet has been taken on file as S.C.No.297 of 2017, on the file of the learned Principal Assistant Sessions Judge, Tirunelveli and the same is pending. During the course of trial proceedings, the learned Sessions Judge issued non-bailable warrant on 13.11.2017 against this petitioner for his non-appearance. Thereafter the petitioner was arrested and remanded to judicial custody on 27.12.2017. Now, according to the prosecution, the non-bailable warrant is pending against the co-accused, due to which the trial has not been proceeded. Now, on going through the records, it seems that the alleged case was registered in the year of 2008. So, on culminating the entire happenings, this Court came to the conclusion that only because of the non-cooperation of this petitioner and other accused, the case has not been disposed so far. Moreover, the petitioner is having two previous cases. Hence, if this type of petitioner is released on bail, there may be a chance of further abscondance. Thereby, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

sd/-
13/03/2018

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

TO

1 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI,
TIRUNELVELI DISTRICT.

2 THE INSPECTOR OF POLICE,
MANOR POLICE STATION,
TIRUNELVELI DISTRICT.

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

+1. CC to M/S.K.M.KARUNAKARAN Advocate SR.No.4031.

ORDER
IN
CRL OP(MD) No.3868 of 2018
Date :13/03/2018