



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

Tuesday, the Twentieth day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.3869 of 2018

APPAVAYAN @ MARIAPPAN

... PETITIONER / ACCUSED - 1

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
SANKARANKOVIL TOWN POLICE STATION,
TIRUNELVELI DISTRICT.
CR.NO.592 OF 2011.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.MOORTHY Advocate

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

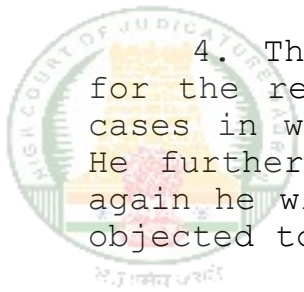
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner/Accused No.1, who was arrested and remanded to judicial custody on 04.04.2017, based on the execution of the non-bailable warrant issued in S.C.No.163 of 2013, on the file of the learned Assistant Sessions Judge, Sankarankovil for the offences punishable under Sections 147, 148, 294(b) and 307 IPC., in Crime No.592 of 2011, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that after completing investigation in Crime No.592 of 2011, charge sheet has been filed before the Court concerned and the same was taken on file by the learned Assistant Sessions Judge, Sankarankovil in S.C.No.163 of 2013. During the trial, due to the non appearance of the petitioner/A1 on 16.12.2015, the learned Assistant Sessions Judge, Sankarankovil issued non-bailable warrant against the petitioner. Thereafter, the petitioner was arrested and remanded to judicial custody on 04.04.2017 on execution of the non-bailable warrant.

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 the petitioner has been falsely implicated in this case and he is in judicial custody from 04.04.2017 onwards. He further added that the non appearance of the petitioner is neither wilful nor wanton. Hence, he seeks bail for the petitioner.



4. The learned Government Advocate (Criminal Side) appearing for the respondent submitted that the petitioner has 10 previous cases in which two cases are registered for the offence of murder. He further submitted that if the petitioner is released on bail, again he will be abscond and the trial will be prolonged. Hence, he objected to grant bail to the petitioner.

5. The submissions made by the learned counsels appearing for either side are considered. The petitioner is arrayed as A1 in S.C.No.163 of 2013 on the file of the learned Assistant Sessions Judge, Sankarankovil. During the course of trial proceedings, the learned trial Judge issued non bailable warrant against the petitioner on 16.12.2017 for his non appearance. Thereafter, the petitioner was secured and remanded to judicial custody on 04.04.2017. Accordingly, the petitioner is in judicial custody for the past 11 months. However, on going through the submissions made by the learned Government Advocate (Criminal side), it is clear that the petitioner is having 10 previous cases in which two cases are registered for the offence under Section 302 IPC. Thereby, considering the previous antecedents of the petitioner, this Court is of the opinion that if these type of petitioners are released on bail, there may be a chance of further abscondance and he may tampering the witness and hampering the investigation. Hence, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

sd/-
20/03/2018

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

TO

- 1 THE INSPECTOR OF POLICE,
SANKARANKOVIL TOWN POLICE STATION,
TIRUNELVELI DISTRICT.
- 2 THE SUPERINTENDENT, CENTRAL JAIL,
PALAYAMKOTTAI, TIRUNELVELI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP (MD) No.3869 of 2018
Date :20/03/2018