



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

Friday, the Sixteenth day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.4222 of 2018

ELUMALAI,

... PETITIONER /SOLE ACCUSED

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
SAMAYAPURAM POLICE STATION,
TRICHY DISTRICT.
(CRIME NO.35 OF 2007)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.P.SIVACHANDRAN 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/Sole Accused, who was arrested and remanded to judicial custody on 13.02.2018, based on the execution of the non-bailable warrant issued in C.C.No.427 of 2007, on the file of the learned Judicial Magistrate No.III, Tiruchirappalli, for the alleged offence punishable under Sections 304-A IPC., in Crime No.35 of 2007, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the occurrence was took place in the year 2007. After filing charge sheet, the same has been taken on file by the learned Judicial Magistrate No.III, Tiruchirappalli as C.C.No.427 of 2007. Subsequently, due to the non-appearance of the petitioner, non-bailable warrant was issued against him on 11.06.2013. Thereafter, the respondent police arrested and remanded the petitioner on 13.02.2018.

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 petitioner has been falsely implicated in this case. He further added that due to his health condition he did not appear before the trial Court on 11.06.2013. Hence, for the non-appearance of the petitioner, non-bailable warrant was issued against him on 11.06.2013. Now, he is in judicial custody from 13.02.2018. Moreover, the non-appearance of the petitioner is neither willful nor wanton. Therefore, the learned counsel appearing for the petitioner prays for grant of bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent submitted that the petitioner was arrested and remanded to judicial custody on 13.02.2018 by executing the non-bailable warrant issued by the learned Judicial Magistrate No.III, Tiruchirappalli after a period of five years. He further submitted that if the petitioner is released on bail, he will again abscond and hamper the trial of the case. Hence, he prays for dismissal of this petition.

5. The submissions made by the learned counsels appearing for either side are considered. Initially, in the year of 2007, the respondent police laid charge sheet against this petitioner for the offence punishable under Section 304-A IPC. Thereafter, the same has been taken on file by the learned Judicial Magistrate No.III, Tiruchirappalli as C.C.No.427 of 2007. Subsequent to that, during the time of trial proceedings, the petitioner did not appear before the Court, hence, the learned Magistrate issued non-bailable warrant on 11.06.2013. Thereafter, the respondent police arrested the petitioner and remanded to judicial custody on 13.02.2018. Ultimately, the petitioner has not attended the trial Court for a period of five years. So, if these type of petitioners are released on bail, there may be a chance for abscondance. Hence, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

sd/-
16/03/2018

/ TRUE COPY /

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



1 THE JUDICIAL MAGISTRATE NO.III, TIRUCHIRAPPALLI

1 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TIRUCHIRAPPALLI DISTRICT

3 THE INSPECTOR OF POLICE,
SAMAYAPURAM POLICE STATION, TRICHY DISTRICT.

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

5 THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.

+1. CC to M/S.P.SIVACHANDRAN Advocate SR.No.4354

GJM/PN/SAR-I-3.4.18-3P-7C

ORDER

IN

CRL OP(MD) No.4222 of 2018

Date :16/03/2018