



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

Wednesday, the Tenth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.438 of 2018

SINGH @ PRATHAP SINGH

... PETITIONER / ACCUSED No.1

Vs

THE INSPECTOR OF POLICE,
THUKALAY POLICE STATION, THUCKALAY,
KANYAKUMARI DISTRICT.
(CR.NO.142/2010)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.N.PRAGALATHAN Advocate

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

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

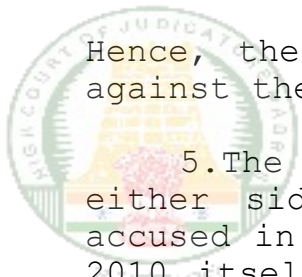
ORDER : The Court Made the following order :-

The petitioner/accused No.1, who was arrested on 23.08.2017 for the offences punishable under Sections 447, 294(b), 427, 307, 379, 506(ii) I.P.C read with Section 34 I.P.C in Crime No.142 of 2010 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 19.02.2010 at about 05.00 p.m., the petitioner along with other accused attacked the defacto complainant and thereby caused simple injury. Moreover, the accused persons took a sum of Rs.1,500/- from the defacto complainant and the respondent police also registered a case and filed the charge-sheet and the same was also taken on file in P.R.C.No.33 of 2010, on the file of the learned Judicial Magistrate, Padmanabhapuram.

3.The learned counsel appearing for the petitioner submitted that the petitioner and others were already released on bail and he is regularly appearing before the learned Judicial Magistrate, Padmanabhapuram upto 06.06.2017 without fail. Due to ill-health on 15.06.2017, the petitioner did not appear before the Court and hence, the learned Judicial Magistrate, Padmanabhapuram issued Non-Bailable Warrant against the petitioner.

4.The learned Government Advocate (Criminal Side) submitted that the petitioner did not appear before the Court on 15.06.2017.



Hence, the learned Judicial Magistrate issued Non-Bailable warrant against the petitioner.

5. The submissions made by the learned counsel appearing on either side are considered. The petitioner herein is the first accused in the alleged offence. The case was registered in the year 2010 itself. The respondent Police laid a charge-sheet before the Magistrate Court and thereafter, the same was posted for committal proceedings. Subsequently, due to non-appearance of some of the accused, the case was so far not yet committed to the Court of Sessions. While so, on 15.06.2017, the petitioner herein not attended the Court proceedings. The learned Judicial Magistrate, Padmanabhapuram, issued Non-Bailable Warrant and thereafter, he was arrested and remanded to judicial custody.

6. Considering the facts and circumstances of the case and considering the fact that the case is pertaining to the year 2010, this Court is of the view that if this type of petitioner is again released on bail, the proceedings, initiated in the Magistrate Court, is going to stand still without any progress. Accordingly, this Court is not inclined to grant bail to the petitioner. Hence, this Criminal Original Petition is dismissed.

sd/-

10/01/2018

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE JUDICIAL MAGISTRATE,
PADMANABHAPURAM, KANYAKUMARI DISTRICT
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL
- 3 THE INSPECTOR OF POLICE,
THUKALAY POLICE STATION, THUCKALAY,
KANYAKUMARI DISTRICT.
- 4 THE OFFICE INCHARGER,
SUB JAIL, NAGERCOIL, KANYAKUMARI DISTRICT
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

JAM/17/01/2018/CM-VR/ SAR 3 / 2p-6c

ORDER

IN

CRL OP(MD) No.438 of 2018

Date :10/01/2018