



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

Monday, the Fourth day of June Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD) No.6846 of 2018

PANDI @ ATTACK PANDI

... PETITIONER/ACCUSED No.7

Vs

THE STATE REP BY ITS
THE INSPECTOR OF POLICE
K. PUDHUR POLICE STATION,
MADURAI.
IN CRIME NO.1017 OF 2015

... RESPONDENT/COMPLAINANT

For Petitioner : MR.S.ASHOK KUMAR, Senior Counsel for
M/S.M. JEGADEESH PANDIAN Advocate

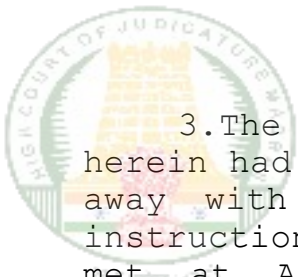
For Respondent : MR.CHELLAPANDIAN, Additional Advocate General
assisted by MR.OHM CHAIRMA PRABHU,
Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner is shown as 7th accused in S.C No.456 of 2016 on the file of the VI Additional District Court, Madurai. He has been charged with the offences under Sections 341, 294(b), 307, 120(b), 506 (ii) IPC r/w 109 IPC r/w 149 & 34 IPC. He is in custody since 21.09.2015. He seeks to be enlarged on bail pending trial.

2.The learned Senior Counsel appearing for the petitioner took this Court through the contents of the final report. The case of the prosecution is that the principal accused herein developed ill will against the defacto complainant Ramakrishnan. He was blocking the efforts of the accused from getting funds from Thiru.Azhagiri to defend themselves in the pending cases. The principal accused namely A1 to A5 had met the petitioner herein and complained to him about the activities of the defacto complainant. The said Ramakrishnan is also figuring as 44th List Witness in Crime No.68 of 2013 on the file of the C2-Subramaniapuram Police Station.



3.The allegation of the prosecution is that the petitioner herein had instigated the said first accused and fifth accused to do away with the said Ramakrishnan. Pursuant to the aforesaid instruction given by the petitioner herein, the other accused had met at Annamalai Hotel on 12.11.2015 and conspired to kill Ramakrishnan. Pursuant to the aforesaid conspiracy, on 21.11.2015 at about 10.45 PM, the main accused stabbed Ramakrishnan indiscriminately and attempted to murder him. Final report was lodged on 31.01.2016 and the case has since been committed to the Sessions Court for trial.

4.The learned Senior counsel appearing for the petitioner submitted that during the relevant time the petitioner was in jail and that there is no legally admissible evidence to implicate the petitioner herein for the offence of abetment under Section 109 of IPC. He also submitted that the petitioner's wife is suffering from cardiac ailments. More than anything else, an accused has right to fair trial and this fundamental right would be infringed if the petitioner is made to face the entire trial while in custody. He also submitted that since the petitioner is having sufficient roots in the city of Madurai, there is simply no possibility for him to abscond.

5.The prayer for grant of bail was vehemently opposed by the learned Additional Advocate General appearing for the respondent. On the side of the respondent, a detailed counter affidavit has been filed. A typed set of papers has also been filed enclosing relevant material.

6.Having heard the submissions on either side, this Court is of the view that the petition for bail deserves to be dismissed for more reasons than one. The petitioner had moved this Court on several occasions. CrI OP(MD)No.17137 of 2017 filed by the petitioner was taken up along with CrI OP(MD)No.17136 of 2017 and both were dismissed by a common order dated 18.01.2018 by this Court.

7.There has been no change in circumstance. As highlighted in the counter affidavit filed by the respondent, the petitioner was detained as a Goonda. He is said to be a notorious history sheeted political rowdy against whom history sheet is being maintained in Keeraithurai Police Station vide H.S No.329 of 2012. He is involved in a number of criminal case. He is also the prime accused in the sensational Pottu Suresh murder case. Following his implication in Pottu Suresh murder case, the petitioner absconded and he was in the run for several months. He was declared as a proclaimed offender. Only with great difficulty, he could be arrested at Mumbai. The fact that he was evading due process of law for a very long time is a factor that has to be necessarily borne in mind.

8.In view of the bad antecedents of the petitioner and his abscondence in Pottu Suresh murder case and the fact that his



earlier bail petitions were dismissed are grounds enough to dismiss this bail petition also. Accordingly, this Criminal Original Petition stands dismissed.

sd/-

04/06/2018

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

TO

- 1 THE VI ADDITIONAL DISTRICT JUDGE, MADURAI
- 2 THE INSPECTOR OF POLICE
K. PUDHUR POLICE STATION, MADURAI.
- 3 THE SUPERINTENDENT
CENTRAL PRISON, PALAYAMKOTTAI,
TIRUNELVELI DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

ORDER

IN

CRL OP (MD) No.6846 of 2018

Date :04/06/2018

SMA/CM-VR/VK/13.06.2018:3P/5C