



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

Wednesday, the Ninth day of May Two Thousand Eighteen

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD) No.7710 of 2018

UJAKUR

... PETITIONER/ACCUSED

Vs

THE INSPECTOR OF POLICE
KUZHITHURAI POLICE STATION,
KANYAKUMARI DISTRICT,
CRIME NO.334/2008

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.C.HEROLD SINGH Advocate

For Respondent : MR.K.SUYMABULINGA BHARATHI,
Government Advocate(Crl.side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

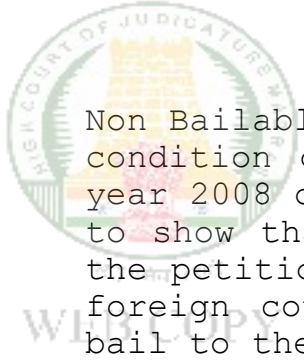
ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent Police for the offence punishable under Sections 279, 337 and 304(A) of I.P.C., in Crime No.334 of 2008, on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that when one Thangamani was walking along the roadside on 27.06.2008 at about 10.30 a.m., the petitioner drove his bike bearing registration No.TN-75-6624 in a rash and negligent manner and dashed against the said Thangamani and sustained injuries and later he died on 06.07.2008.

3.On the side of the petitioner, it is stated that the petitioner was not aware of the pendency of the case and there is no negligence on his part and the petitioner went to abroad and now only he returned back to India. The case was taken on the file in C.C.No.185 of 2008 by the learned Judicial Magistrate, Kuzhithurai. Due to illness, the petitioner was not able to attend the Court on 07.02.2011 and the Non bailable Warrant was issued against him on 07.02.2011. Hence, he prays for anticipatory bail to the petitioner.

4.On the side of the respondent, it is stated that the case in C.C.No.185 of 2008 is filed against the petitioner under Section 304 (A) of IPC. Due to the absence of the petitioner on 06.02.2015, the



Non Bailable Warrant was issued. The petitioner already violated the condition of the earlier bail order. The case is pending from the year 2008 due to the absence of the petitioner. No document is filed to show that the petitioner suffered illness. It is stated that if the petitioner is released on bail, the petitioner will go again to foreign country. Hence, he strongly opposed to grant anticipatory bail to the petitioner.

5. Records perused. The Non Bailable Warrant is pending against the petitioner for the past 7 years and the case is pending for past 10 years due to absence of the petitioner. The petitioner has violated the condition of the bail. No documents is filed to show that the petitioner is having some illness and was not able to appear before the Court. The reasons stated in this petition are not satisfactory, hence this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, the petition is dismissed.

sd/-
09/05/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE,
KUZHITHURAI
- 2 THE CHIEF JUDICIAL MAGISTRATE
KANYAKUMARI DISTRICT
- 3 THE INSPECTOR OF POLICE
KUZHITHURAI POLICE STATION,
KANYAKUMARI DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

+1. CC to M/S.S.C.HEROLD SINGH Advocate SR.No.8399

ORDER
IN
CRL OP(MD) No.7710 of 2018
Date :09/05/2018

SMA/PN/ASVM/14.05.2018:2P/6C