



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

Monday, the Fourth day of March Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.2940 of 2019

1 DURAI MURUGAN

S/O. VETRIVEL, NO.9/47-16, KAMARAJ NAGAR,
KOOTAMPULI KUMARAGIRI, THOOTHUKUDI DT

... PETITIONER / ACCUSED

Vs

1 THE INSPECTOR OF POLICE

ANJUGRAMAM POLICE STATION, KANYAKUMARI
DISTRICT, CRIME NO.451/2011

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.M.SIVA SANKAR Advocate

For Respondent : Govt. Advocate (Crl. Side)

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

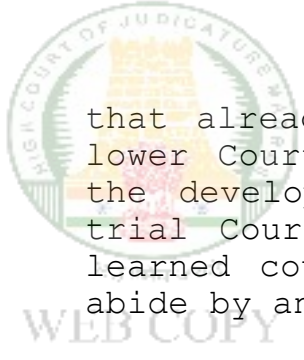
ORDER : The Court Made the following order :-

The petitioner who was arrested and remanded into the judicial custody from 07.03.2018 pursuant to the Non Bailable Warrant issued by the Judicial Magistrate No.III, Nagercoil, on 11.08.2016 for the non appearance of the petitioner in P.R.C.No.8 of 2016 pending on his file for the offence under Section 397 of IPC, in Cr.No.451 of 2011 on the file of the respondent police, seeks bail.

2.It is the case of the prosecution that the petitioner was implicated for the offence under Section 397 IPC. Subsequently, the petitioner was arrested and released on bail by the concerned lower Court. Now the case was taken on file as PRC.No.8 of 2016 by the learned Judicial Magistrate No.III, Nagercoil. When the case was posted for hearing, since the petitioner has not appeared before the trial Court, the trial Court issued a Non Bailable Warrant against the petitioner on 11.08.2016 and the Non Bailable Warrant was executed on 07.03.2018.

<https://hcservices.ecourts.gov.in/hcservices/>

3.The learned counsel appearing for the petitioner would submit



that already the petitioner was released on bail by the concerned lower Court, however, since the petitioner was not informed about the development of the case, he was unable to appear before the trial Court on that day. Accordingly, he prayed for bail. The learned counsel further contended that the petitioner is ready to abide by any of the condition that is to be imposed by this Court.

4.The learned Government Advocate (Crl. Side) submits that the petitioner is a habitual offender and he is involved in many cases through out Tamilnadu. Hence, he vehemently opposed the grant of bail to the petitioner.

5.Considering the facts and circumstances of the case and since the petitioner is a habitual offender, I am not inclined to grant bail to the petitioner.

6.Accordingly, the criminal original petition is dismissed.

sd/-
04/03/2019

/ TRUE COPY /

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

TO

- 1 THE INSPECTOR OF POLICE
ANJUGRAMAM POLICE STATION,
KANYAKUMARI DISTRICT.
 - 2 THE SUPERINTENDENT
CENTRAL PRISON, PALAYAMKOTTAI
 - 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to MR.M.SIVA SANKAR Advocate SR.No.4262

ORDER
IN
CRL OP(MD) No.2940 of 2019
Date :04/03/2019

MSI/PN/SAR 1/08.03.2019/2P-5C