



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 10/06/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.6890 of 2019

Murugan

... Petitioner/Accused

Vs

The State rep by
The Inspector of Police,
Mundradaippu Police Station,
Tirunelveli District.
Crime No.136 of 2010.

... Respondent/Complainant

For Petitioner : M/s.A.Sivasubramanian,
Advocate.

For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor

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

PRAYER :-

For anticipatory bail in cr.no.136 of 2010 on the file of the respondent police.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 447, 302, 506 (ii) of IPC, in Crime No.136 of 2010, seek anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that the petitioner was already released on bail in S.C.No.10 of 2013 and on 09.06.2014, due to bona fide reasons, the petitioner could not attend the Court and hence, the trial Court has issued non bailable warrant against the petitioner. She further submitted that the petitioner is the only bread winner of the family and hence if non bailable warrant is executed and the petitioner remanded to judicial custody, his family will suffer and hence, she prayed to grant anticipatory bail to the petitioner.



4.Per contra, the learned Additional Public Prosecutor appearing for the respondent has submitted that against the petitioner herein there are three cases pending and insofar as this Case is concerned, the petitioner did not appear from 09.06.2016 and hence, non-bailable warrant was issued. He further submitted that since the petitioner has not appeared before the trial Court, the trial Court could not make any progress in the aforesaid case and therefore he strongly opposed this petition.

5.Though, the petitioner has stated in the petition that on 09.06.2014 due to *bona fide* reasons, he could not appear before the trial Court, the learned Additional Public Prosecutor has submitted that only on 09.06.2016 a non-bailable warrant was issued against the petitioner. Further the petitioner has not stated any reason for his non appearance before the trial Court on that date. Further, he has not stated any reason for not appearing before the trial Court for the past three years. Because of the non appearance of the petitioner, for the past three years the murder case is pending unnecessarily and hence, this Court is not inclined to grant anticipatory bail to the petitioner.

6.Accordingly, this Criminal Original Petition is dismissed.

sd/-
10/06/2019

/ TRUE COPY /

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

TO

1.The Inspector of Police,
Mundradaippu Police Station,
Tirunelveli District.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.A.SIVASUBRAMANIAN, Advocate (SR-9351[I] dated 11/06/2019)

ORDER
IN
CRL OP(MD) No.6890 of 2019
Date : 10/06/2019

dss
TK/PN/SAR.2/18.06.2019/2P/4C