



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/03/2020

WEB COPY

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) . No.3257 of 2020

MOHAMMED HANIFA

... PETITIONER/SOLE ACCUSED

VS

STATE REP. BY
THE INSPECTOR OF POLICE,
THIRUPPALAIKUDI POLICE STATION,
RAMANATHAPURAM DISTRICT.
(CRIME NO.60 OF 2007).

... RESPONDENT/COMPLAINANT

For Petitioner : M/s.S.Muniyandi,
Advocate.

For Respondent : Mr.R.Anandharaj,
Additional Public Prosecutor

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

PRAYER :-

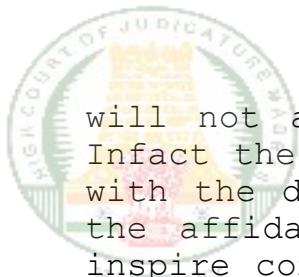
For Bail in Crime No.60 of 2007 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner herein seeks bail since he was secured under Non Bailable Warrant after long abscondance.

2. According to the petitioner when the case in C.C.No.207 of 2009 was posted for questioning under Section 313 of Cr.P.C, the petitioner herein failed to appear before the trial Court to answer the questioning under Section 313 of Cr.P.C. Hence Non Bailable Warrant was issued. Since then the case has been pending due to non execution of the Non Bailable Warrant. The petitioner was arrested after five years on 03.02.2020. Thereafter the further proceedings in the criminal case has commenced and now the case stands posted for arguments.

3. The learned counsel for the petitioner would submit that the petitioner is suffering from ailments and if he is granted bail he



will not abscond and he will co-operate for completion of trial. Infact the petitioner has also come forward to compound the offence with the defacto complainant. Though rosy promise has been made in the affidavit the contention of the petitioner herein does not inspire confidence of the Court. The case is of the year 2009 and when the matter was ripe for disposal, the petitioner was absconded in the year 2015 and the matter was posted for answering questioning under Section 313 of Cr.P.C and after five years he was secured under Non Bailable Warrant . He claim that he is likely to settle the matter with the defacto complainant and if it is so he is entitled to settle the matter through his counsel.

4. In the result, this petition is dismissed. Further the learned learned Judicial Magistrate No.I, Ramanathapuram is directed to complete the trial within a period of one month from today. If the petitioner is not able to transported from prison, proceedings shall go on in the presence of the counsel representing the petitioner/accused.

sd/-
03/03/2020

/ TRUE COPY /

/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE NO.I,
RAMANATHAPURAM.
- 2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3 THE INSPECTOR OF POLICE
THIRUPPALAIKUDI POLICE STATION,
RAMANATHAPURAM DISTRICT.
- 4 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.MUNIYANDI, Advocate (SR-4674[I] dated 03/03/2020)

ORDER
IN
CRL OP(MD) No.3257 of 2020
Date :03/03/2020

AAV
JM/VR/SAR 4/03.03.2020/2P/7C