



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

Date : 03/03/2020

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) . No.3778 of 2020

Ajay

... Petitioner/Accused No.3

Vs

The State Rep by
The Inspector of Police,
S.S. Colony Police Station,
Madurai District.
(In Crime No.633/2014).

... Respondent/Complainant

For Petitioner : M/s. B. Arun,
Advocate.

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

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

PRAYER :-

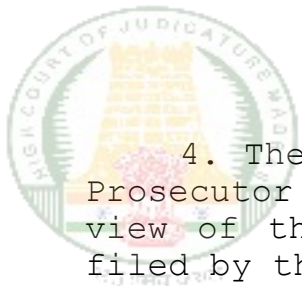
For Bail in S.C.No. 195/2018 on the file of the Learned VI
Additional Sessions Judge, Madurai.

ORDER : The Court made the following order :-

The petitioner herein is arrayed as A3 in S.C.No.195 of 2018 on the file of the VI Additional Sessions Judge, Madurai was secured on execution of Non Bailable Warrant since he failed to attend the Court on hearing date.

2. The petition filed before the trial Court was dismissed on the ground that in the murder case 12 accused persons are involved and this petitioner failed to attend the Court causing delay in the trial which led to issuance of Non Bailable Warrant against the petitioner.

3. The counsel for the petitioner would submit that for the past 1 ½ year the petitioner is inside jail. Unless and until he is released on bail he will be losing his right of defending himself, whereas the learned Additional Public Prosecutor appearing for the State would submit that the petitioner herein was absconding from attending court leading to issuance of Non Bailable Warrant. Having antecedent and if he is released on bail he will abscond again and he will not co-operate for trial.



4. The apprehension expressed by the learned Additional Public Prosecutor is supported by record. Hence this Court concur the view of the trial Court which has rightly rejected the petition filed by the petitioner.

5. In the result, this petition is dismissed. At this juncture, the learned Additional Public Prosecutor would submit that due to non co-operation of the accused the trial is not yet commenced.

6. If the prosecution fails to commence trial within three months the petitioner is at liberty to move application for bail.

Sd/-
03.03.2020

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

AAV
TO

1. The VI Additional Sessions Judge, Madurai.
2. Do-Through The Chief Judicial Magistrate,
Madurai District.
3. The Superintendent, Central Prison, Madurai.
4. The Inspector of Police,
S.S. Colony Police Station, Madurai
District. (In Crime No.633/2014).
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.3778 of 2020
Date : 03/03/2020

KK/SKN/SAR2/06.03.2020/2P-6C