



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

Friday, the Twenty Fourth day of April Two Thousand Twenty

PRESENT

The Hon`ble Mr.Justice P.VELMURUGAN

CRL OP(MD) No.5271 of 2020

S.KARUPPASAMY

... PETITIONER / ACCUSED No.2

Vs

THE STTE REP.BY
THE INSPECTOR OF POLICE,
KARAIKUDI NORTH POLICE STATION, SIVAGANGAI DISTRICT.
(CRIME NO.399 of 2010) ... RESPONDENT / COMPLAINANT

For Petitioner : M/S.BALAJI, Advocate

For Respondent : Mr.S.CHANDRASEKAR, Additional Public Prosecutor

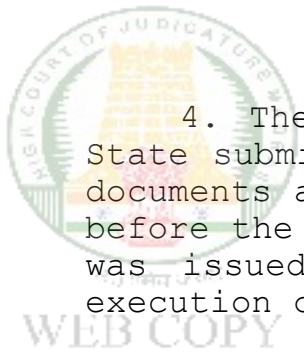
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner is arrayed as accused No.2 and he was arrested and remanded to judicial custody on 04.02.2020 for the alleged offences punishable under Sections 205, 468 and 471 of I.P.C., in Crime No.399 of 2010, on the file of the respondent police. Subsequently, the investigation was completed and the charge sheet also filed and the same was taken on file by the learned Principal District Munsif cum Judicial Magistrate, Karaikudi, Sivagangai District in C.C.No.322 of 2010.

2. The petitioner is the accused No.2 in the said case and during the pendency of the trial, the petitioner did not appear before the trial Court. Therefore, Nonailable Warrant was issued against the petitioner and he was arrested on 04.02.2020. Therefore, the petitioner has filed the present petition for bail.

3. The learned counsel appearing for the petitioner submitted that due to non-service of summon, he was not appeared before the trial Court. Therefore, he was arrested on 04.02.2020. Thereafter only, he came to know that the case was registered against him. He further submitted that the petitioner is the sole breadwinner of the family and he has three children and he is in custody for more than 60 days. Therefore, bail may be granted to the petitioner.



4. The learned Additional Public Prosecutor appearing for the State submitted that after granted bail, he has created some forged documents and produced the surety. Subsequently, he has not appeared before the trial Court for 10 years. Therefore, Non Bailable Warrant was issued against him and he was arrested on 04.02.2020, on execution of NBW and hence, the bail petition may be dismissed.

5. I have heard the learned counsel on either side and perused the records.

6. The case was registered in the year 2010 and the case was also pending from 2010 in C.C.No.322 of 2010. According to the petitioner, A1 is the prime accused and he died and no summon was served on him. Even though the case was registered in the year 2010, due to the non-appearance of the petitioner, the case is pending. Therefore, NBW was issued against him and the petitioner was arrested on 04.02.2020, and he is in custody. If he is released on bail, there is a possibility of absconding and once again the trial will be protracted.

7. Considering the facts and circumstances of the case, this Court is not inclined to grant bail to the petitioner.

8. Accordingly, this petition is dismissed.

sd/-
24/04/2020

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

Note: This order copy may be treated as true copy

TO

- 1 THE OFFICER INCHARGE, DISTRICT JAIL, SIVAGANGAI.
- 2 THE INSPECTOR OF POLICE,
KARAIKUDI NORTH POLICE STATION, SIVAGANGAI DISTRICT.
- 3 ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.5271 of 2020
Date :24/04/2020