

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twelfth day of May Two Thousand Twenty One

PRESENT

The Hon'ble Mr Justice G. CHANDRASEKHARAN

CRIMINAL ORIGINAL PETITION No.7788 of 2021

THIRUGNANAM

[PETITIONER / ACCUSED]

Vs

STATE REP.BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
MEENSURITY POLICE STATION,
ARIYALUR DISTRICT.
CR.NO.130 OF 2008.

For Petitioner : M/S. A.P.SATHYAMOORTHY Advocate

For Respondent : MR.S.KARTHIKEYAN, ADDITIONAL PUBLIC PROSECUTOR

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

- (1) The petitioner/A2 who was arrested and remanded to judicial custody on 24.03.2021 for the offences punishable under Sections 147, 148, 120[b], 307, 302, 326, 201 read with 302 of IPC in SC.No.138/2013 on the file of the Court of III Additional District and Sessions Judge, Salem, seeks bail.
- (2) The case of the prosecution is that due to a dispute during temple festival the accused persons had committed the murder of the deceased.
- (3) The learned counsel for the petitioner submitted that the petitioner was not able to attend the court below on 06.11.2020 and hence, NBW was issued by the learned Trial Judge for his non-appearance. Subsequently, the petitioner approached this Court by filing anticipatory bail and this Court, vide order dated 30.12.2020, was pleased to grant anticipatory bail to the petitioner subject to certain conditions. However, the petitioner was not able to arrange for sureties and hence, could not comply with the conditions imposed by this Court. In the meanwhile, the respondent police arrested the petitioner on 24.03.2021 and now, the petitioner seeks bail.
- (4) The learned Additional Public Prosecutor strongly opposes this petition on the ground that this case is of the year 2013 and was taken cognizance as SC.No.138/2013 and that, one or the other accused remained absent and thereby, affecting the conduct of

trial and that is the reason for the delay in commencement of trial in this case. It is also submitted that the charges are yet to be framed and hence, prays for dismissal of this petition.

(5) Taking note of the fact that the Sessions Case is of the year 2013 and also the fact that despite having the benefit of anticipatory bail, the petitioner had not taken efforts to comply with the conditions and after the grant of anticipatory bail on 30.12.2020, the NBW was executed only on 24.03.2021 and taking note of the submission of the learned Additional Public Prosecutor that one or the other accused was found absenting themselves from attending the trial, leaving the Court unable to proceed further, this Court, is not inclined to grant bail.

Accordingly, the petition stands **DISMISSED.**

-sd/-
12/05/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE III ADDITIONAL DISTRICT
AND SESSIONS JUDGE, SALEM.

2 THE INSPECTOR OF POLICE,
MEENSURITY POLICE STATION,
ARIYALUR DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

CC to M/S. A.P.SATHYAMOORTHY Advocate on payment of necessary charges

CRL OP.7788/2021

Date :12/05/2021

TA-09/06/2021