



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty Ninth day of October Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.20249 of 2021

IN S.C.No.180 OF 2017

(on the file of the III ADJ, Salem District)

THIRUNAVUKARASU

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY ITS
THE INSPECTOR OF POLICE
KITCHIPALAYAM POLICE STATION,
SALEM DISTRICT.
CRIME NO.45 OF 2015

[RESPONDENT]

For Petitioner : M/S.M.RAKHI Advocate

For Respondent : MR.A.GOPINATH, Govt. Advocate (Crl. Side)

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner who was arrested on execution of the Nonailable Warrant and remanded to judicial custody on 18.06.2019 for the offence under Sections 148, 449, 341, 302 r/w 149 IPC in S.C.No.180 of 2017 on the file of the learned III Additional District Judge at Salem, seeks bail.

2.It is the case of the prosecution that the petitioner was facing trial for the offence under Sections 148, 449, 341, 302 r/w 149 IPC in S.C.No.180 of 2017 on the file of the learned III Additional District Judge at Salem. When the case was posted for hearing he did



not appear before the Court. Accordingly, the lower Court issued Non Bailable Warrant against the petitioner for his non appearance on 18.03.2019 and he was secured on 18.06.2019.

3.The learned counsel appearing for the petitioner would submit that due to ill health, the petitioner was not able to appear before the lower Court, however, his non appearance before the lower Court is neither willful nor wanton. Hence, Non Bailable Warrant was issued against the petitioner. The learned counsel would further submit that the petitioner is in judicial custody for more than 900 days and would further submit that the petitioner is ready to abide by the conditions to be imposed by this Court.

4.The learned Government Advocate (Crl. Side) would submit that the petitioner is history sheeted accused and would further submit that apart from this case there are 28 previous cases as against the petitioner and that if the petitioner is enlarged on bail, it would affect the trial of the case and vehemently opposed for grant of bail to the petitioner.

5.Considering the fact that there are 28 previous cases as against the petitioner and the fact that if the petitioner is enlarged on bail, it would affect the trial of the case, this Court is not inclined to grant bail to the petitioner.

6.Accordingly, this criminal original petition is dismissed.

-sd/-
29/10/2021

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 JUDGE,
AT SALEM.

2 THE INSPECTOR OF POLICE
KITCHIPALAYAM POLICE STATION,
SALEM DISTRICT.



3 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.M.RAKHI Advocate on payment of necessary charges

CRL OP.20249/2021

Date :29/10/2021

JPA 02/11/2021