



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

Date : 12/03/2021

PRESENT

WEB COPY

The Hon'ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.1926 of 2021

Nallasivam

... Petitioner/Accused No.2

Vs

The State rep. by
The Inspector of Police,
EOW-II, Karur.
Crime No.1/2014.

... Respondent/Complainant

For Petitioner : Mr.Haroon Rasheed.D.S, Advocate.

For Respondent : Mr.R.Srinivasan,
Government Advocate (Criminal Side)

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

PRAYER :- To enlarge the petitioner/Accused no.2 on bail in connection with NBW issued in C.C.NO.5 of 2015 on the file of the Special Court for TANPID Act Cases, Madurai in Crime no.1 of 2014 on the file of the respondent/ Complainant by allowing this application.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 12.11.2014 for the offence under Sections 406, 420, 120(b) and r/w Section 5 of TNPID Act, 1997, in Crime No.1 of 2014 on the file of the respondent Police, seeks bail.

2.The case of the prosecution is that the petitioner and others have run chit company. The defacto complainant has invested a sum of Rs.2,00,000/- to the petitioner's finance company. Thereafter, the petitioner failed to return the said amount with interest. Hence, the present complaint.

3.The learned counsel appearing for the petitioner submitted that there are 27 witnesses were examined and it was closed on 08.08.2017 without cross examination of the petitioner. Thereafter, the petitioner has filed a petition under Section 311 Cr.P.C. and the same has been allowed by imposing batta of Rs.1000/- for each witness. He further submitted that the petitioner has paid a sum of Rs.3,000/- for the first three witnesses for the reexamination and memo has also filed but the prosecution failed to bring the witnesses. Hence, he may be granted bail.



4.The learned Government Advocate (Criminal Side) appearing for the respondent Police submitted that the petitioner has not appeared before the lower Court from 10.03.2020.

5.On a perusal of the materials available on records, it is seen that the Non Bailable Warrant was issued against the petitioner on 01.12.2020. Thereafter, he was arrested on 19.12.2020. Totally there are 27 witnesses have been examined in this case and the petitioner has filed a petition in Cr.M.P.No.3594 of 2017 under Section 311 Cr.P.C., and the same was allowed in the year 2018. Thereafter, the petitioner had not paid batta. The crime of the year 2014 and the charge sheet has been filed in the year 2015 and the case is kept pending for more than six years.

6.In view of the same, this Court is not inclined to grant anticipatory bail to the petitioner.

7.At this juncture, the learned counsel appearing for the petitioner seeks permission of this Court to withdraw this petition.

8.In view of the same, this Criminal Original Petition stands dismissed as withdrawn.

sd/-
12/03/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
2. THE INSPECTOR OF POLICE,
EOW-II, KARUR.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN
CRL OP(MD) No.1926 of 2021
Date :12/03/2021

VSG

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