



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

Date : 09/03/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR
CRL OP(MD). No.3651 of 2021

WEB COPY

Ashokan

... Petitioner/Accused No.2

Vs

The State rep.by,
The Inspector of Police,
Veeravanallur Police Station,
Tirunelveli District.
Crime No.285 of 2012..

... Respondent/Complainant

For Petitioner : M/s.Krishnan S,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

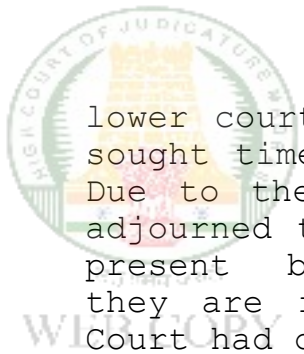
For Bail in Crime No.285 of 2012 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.2 herein was secured on 08.01.2021 and remanded to judicial custody on the same day, pursuant to the Non-bailable warrant issued by the learned Additional Sessions Judge, Tirunelveli in S.C.No.15 of 2014, for the offences under Sections 147, 148 and 302(2 Counts) of IPC.

2. The learned counsel for the petitioner would submit that this Court earlier dismissed the bail petition of the petitioner on 16.02.2021 and at that time it was represented that the petitioner has filed a petition under Section 311 of Cr.P.C to recall PW.1 and PW2 but the same was dismissed and the case stands posted to 17.02.2021 for examination of material witness. Thereafter this petition has been filed on the ground that the petitioner is ready and willing to cross examine and recall P.W 1 and P.W2. Further if the petitioner is released on bail he will be in a position to instruct his counsel, hence he seeks bail.

3. The learned Government Advocate(Crl.Side) produced the case diary, wherein it is seen that 311 Cr.P.C petition to recall PW.1 and PW.2 was dismissed and thereafter it has been posted on 17.02.2021 the defence counsel appearing before



lower court reported that he is not available in the afternoon and sought time. The trial Court refused to do so and waited for him. Due to the non-cooperation of the defence counsel the case was adjourned to 23.02.2021. It is also found that LW3 and LW 4 were present but not appeared before the Court and it was found that they are facing threat. Considering all these factors the trial Court had directed the police to provide adequate police protection to the witnesses and posted the case to 03.03.2021.

4. In view of the same, this Court finds that there is some threat to the witnesses by the petitioner herein, this Court is not inclined to grant bail to the petitioner.

5. Hence the petition stands dismissed.

sd/-
09/03/2021

/ TRUE COPY /

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

AAV

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 INSPECTOR OF POLICE
VEERAVANALLUR POLICE STATION,
TIRUNELVELI DISTRICT.
- 2 THE SUPERINTENDENT,
CENTRAL PRISON,
PALAYAMKOTTAI.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.3651 of 2021
Date :09/03/2021

NR/PN/SAR-III(17.03.2021) 2P:4C