



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

Date : 05/07/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.8331 of 2021

Dhanapal

... Petitioner/Accused No.3

Vs

State Rep.by
The Inspector of Police,
Sayalkudi Police Station,
Ramanathapuram District.
Crime No.123 of 2014.

... Respondent/Complainant

For Petitioner : Mr.D.Ramesh Kumar,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

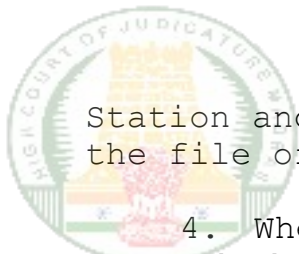
PRAYER :- For Bail in Crime No.123 of 2014 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A3, who was arrested on 16.06.2021 for the
offences punishable under Sections 109,397 r/w.34 of IPC in Crime
No.123 of 2014 on the file of the respondent police, seeks bail.

2. The learned counsel for the petitioner would submit that the
petitioner is an accused in PRC No.1 of 2019 and due to Covid-19
pandemic situation he is unable to appear before the Magistrate on
06.08.2019, therefore Non Bailable Warrant was issued against him.
He was arrested and remanded to judicial custody on 16.06.2021. It
is also submitted that the petitioner was detained under Act. 14 of
1982 and that was also the reason for his non- appearance, hence he
seeks bail.

3. The learned Additional Public Prosecutor opposed the bail
petition on the ground that the three previous cases are pending
against the petitioner in Crime No. 21 of 2020 for the offences
under Section 109,120(B),147,148,149,302 of IPC on the file of the
Keeranur Police Station,Crime No.411 of 2015 under Sections 294(b),
323,359,506 of IPC on the file of the Sivagangai Town Police



Station and Crime No.499 of 2014 under Sections 406 of 420 of IPC on the file of the Sivagangai Town Police Station.

4. When the matter came up for hearing on 25.06.2021, this Court had called for report from the learned Judicial Magistrate, Kadaladi with regard to the stage of pendency of the case. Report received.

5. From the report it is seen that originally the case was taken on file in PRC No. 12 of 2016 on the file of the learned District Munsif cum Judicial Magistrate, Mudukulathur and it was transferred to the file of the learned Judicial Magistrate, Kadaladi and taken on file in PRC No.01 of 2019. Non Bailable Warrant was issued against the Dhanasekaran, Jeyakumar, Dhanapal and Maharaja. Non Bailable Warrant issued against Dhanapal was executed on 16.06.2021. Non Bailable Warrant is pending against other accused. Due to the pendency of the Non Bailable Warrant, the case could not be committed. No material has been produced to show that detention of the petitioner under Act.14. It is seen that this case is pending from the year 2016 in the committal court because of the pendency of the Non Bailable Warrant. Therefore this Court is not inclined to grant bail to the petitioner.

6. In this view of the matter, the petition stands dismissed. However the learned Magistrate is directed to take steps to secure the other accused and commit the case as early as possible.

sd/-

05/07/2021

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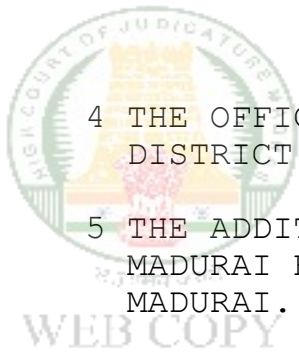
/ /2021

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 JUDICIAL MAGISTRATE, KADALADI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE INSPECTOR OF POLICE,
SAYALKUDI POLICE STATION,
RAMANATHAPURAM DISTRICT.



- 4 THE OFFICER INCHARGE,
DISTRICT PRISON, VIRUDHUNAGAR.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER IN
CRL OP(MD) No.8331 of 2021
Date :05/07/2021

AAV
MS/AKM/SAR-5/08.07.2021/3P.6C