



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 13.07.2021

PRESENT

WEB COPY

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.8655 of 2021

R.Kannan

... Petitioner/Accused No.1

Vs

State through
The Inspector of Police,
Keeraithurai Police Station,
Madurai.

Crime No.420 of 2018.

... Respondent/Complainant

For Petitioner : No Appearance

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor.

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

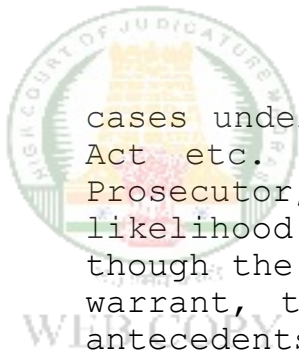
PRAYER :-For Bail in Crime No.420 of 2018 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner is in custody from 02.03.2020 for the offences under Sections 147, 148, 120(b), 452, 294(b), 302 and 506(ii) r/w 34 of Indian Penal Code in Crime No.420 of 2018 on the file of the respondent police. He seeks bail.

2. The earlier petition filed by the petitioner came to be dismissed on 19.05.2021 on the ground that the petitioner is involved in many number of cases. Due to his absence, non-bailable warrant has been issued. Later, he was remanded to judicial custody by execution of the warrant. Thereafter, this petition came to be filed on the ground that before issuing warrant, the procedure that has been laid down in the case of **Palanivel vs. State, Rep.by Inspector of Police, Veeranam Police Station, Salem reported in [2019] 2LW(Cri) 174** has not been followed. Only for three months, he was unable to appear before the trial Court.

3. A serious objection has been raised by the learned Additional Public Prosecutor to the effect that the petitioner is involved in thirteen cases. Three cases under Section 302 and two



cases under Section 307 were registered apart from Robbery and Arms Act etc. Therefore, according to the learned Additional Public Prosecutor, if the petitioner is released on bail, there is every likelihood of him to abscond and hamper the trial process. Even though the petitioner may be right on to say that before issuing the warrant, the prescribed procedures has not been followed, but the antecedents of the petitioner clearly shows that he is a habitual offender. If such a person is released on bail, then there is every likelihood of hampering and delaying the trial process.

4. Considering the facts and circumstances of the case, this Court is not convinced that it is a fit case to enlarge the petitioner on bail. Further, the offence is of the year 2018 which is still pending. Therefore, the grounds raised by the petitioner cannot be accepted. Accordingly, this Criminal Original Petition stands dismissed.

sd/-

13/07/2021

/ 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 INSPECTOR OF POLICE,
KEERAITHURAI POLICE STATION,
MADURAI.
- 2 THE SUPERINTENDENT,
CENTRAL PRISON,
MADURAI.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.8655 of 2021

Date :13/07/2021

SSB

MK/JC/SAR.I/15.07.2021/2P/4C