



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

Date : 13/08/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.11390 of 2021

Dhanabal, ... Petitioner/Accused No.3

Vs

State rep by
The Inspector of Police,
Sayalkudi Police Station,
Ramanathapuram District.
Cr.No.123 of 2014. ... Respondent/Complainant

For Petitioner : M/s.Ramsundarvijayaraj S,
Advocate.
For Respondent : Mr.T.Senthilkumar,
Government Advocate (Crl.Side)

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 alleged offences under Sections 109, 397 r/w Section 34 I.P.C, in Crime No.123 of 2014 on the file of the respondent police, seeks bail.

2.The petitioner is an accused in PRC.No.1 of 2019 where he did not appear before the Court below on 06.08.2019, therefore, a Non Bailable Warrant was issued against him. Subsequently, he was arrested and remanded to Judicial custody on 16.06.2021 and was also detained under Act.14 of 1982.

3.The learned counsel for the petitioner would submit that due to the pandemic situation, the petitioner could not appear



before the trial Court on 06.08.2019. He further submitted that the petitioner was detained as Goonda under Act 14 of 1982 and that was also the reason for his non-appearance, hence, he may be granted bail.

4.The learned Government Advocate (Crl.side) appearing for the respondent police would submit that this petitioner is accused No.3 in P.R.C No.1 of 2019 on the file of the District Munsif Cum Judicial Magistrate, Kadaladi where the final report was filed as against this petitioner and others. The petitioner evaded the committal proceedings and absconded from 06.08.2019. Therefore, the learned District Munsif Cum Judicial Magistrate has issued a Non bailable warrant of arrest as against this petitioner on 06.08.2019. During the absconding period, the petitioner has also involved in another offence in the month of January 2020 and a case was also registered as against him in Crime No.21 of 2020 for the offence under Sections 109, 120(B), 147, 148, 149 and 302 I.P.C on the file of Keeranur Police Station. Thereafter, he was arrested in that case in the month of January 2020 and was also detained under Act 14 of 1982 by a detention order dated 15.05.2020. The petitioner has moved an application in H.C.P.No.372 of 2020 and the same was allowed by this Court on 29.09.2020. Though the learned counsel for the petitioner cites that his arrest in Crime No.21 of 2020 and detention in Crime No.21 of 2020 from January 2020 as reasons for his non-appearance, there is no explanation from the petitioner for his absence before the learned Judicial Magistrate from 29.09.2020 and with great difficulty, the petitioner was secured only on 16.02.2021. Hence, he strongly opposed the grant of bail to the petitioner.

5.Considering the facts and circumstances of the case and the fact that the case is pending from the year 2019 in the committal Court because of non-appearance of this petitioner, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed. However, he can renew this application after the committal proceedings is over.

sd/-
13/08/2021

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

MSA



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,
Sayalkudi Police Station,
Ramanathapuram District.
2. The Superintendent, The Central Prison, Ramnad.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.S.RAMSUNDARVIJAYRAJ, Advocate (SR-5408[I] dated 16/08/2021)

ORDER

IN

CRL OP(MD) No.11390 of 2021

Date : 13/08/2021

TR/JC/SAR-IV (23.08.2021) 3P 5C