



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 09/12/2021
PRESENT

WEB COPY

Ashokan

The Hon`ble Mr.Justice G.ILANGO VAN
CRL OP(MD) . No.18886 of 2021

... Petitioner/Accused No.2

Vs

The state represented by
The Inspector of Police,
Veeravanallur Police Station,
Trirunelveli District.
Cr.No.285 of 2021..

... Respondent/Complainant

For Petitioner : Mr.V.Angusamy,
Advocate.

For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.285 of 2021 on the file of the Respondent Police.

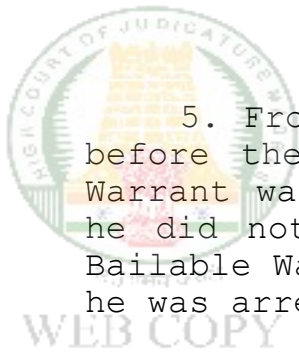
ORDER : The Court made the following order :-

This case was registered against the petitioner under Sections 147,148,302(2 counts) of IPC against 8 accused and the petitioner herein is the second accused. The case was taken cognizance in S.C.No. 15 of 2014.

2. According to the petitioner due to his ill health he was unable appear before the trial Court on 07.01.2021. Therefore his advocate filed a petition under Section 317 of Cr.P.C and the same was dismissed and Non Bailable Warrant was ordered against him. Pursuant to the Non Bailable Warrant issued he was arrested and remanded to judicial custody on 08.01.2021.

3. Earlier the three petitions filed by the petitioner were dismissed on 16.02.2021, 09.03.2021 and 25.06.2021 respectively, in Crl.O.P(MD) Nos.1896 of 2021 and 3651 of 2021 and 7148 of 2021. There is no progress in this case, therefore he seeks bail.

4. The learned Additional Public Prosecutor opposed this petition on the ground that there are eight accused in this case. He would further submit that the case was registered in the year 2014 there is no progress in the case because of the abscondance of this



5. From the records, it is seen that the accused did not appear before the trial Court on 30.11.2020 and thereafter Non Bailable Warrant was issued and the same was recalled on 05.12.2020. Again he did not appear before the Court on 05.01.2021, therefore Non Bailable Warrant was issued and pursuant to the Non Bailable Warrant he was arrested and remanded to judicial custody on 08.01.2021.

6. It is seen from the previous dismissal order that the petitioner has not cooperated for conducting trial. It appears that P.W 1 and PW.2 were examined and they were not cross examined by the accused. It is further stated that though LW.3 and LW. 4 were present in the case they did not appear for the examination when the case was taken for trial. It is apparent that they face threat from the accused. It is also submitted in the report that if the accused is released on bail there is possibility of abscondance and threat to the witness and the accused will be protracting the trial proceedings.

7. Taking note of all the factors into account and also the fact that the case was registered in the year 2012 and taken cognizance in the year 2014 and the fact that seven witnesses have been examined, this Court is not inclined to grant bail to the petitioner.

8. In the result, the petition stands dismissed. However, the trial Court is directed to complete the trial proceedings as expeditiously as possible preferably within a period of three months from the date of receipt of a copy of this order by posting the case on day to day basis and send a report to this Court after disposing the case.

sd/-
09/12/2021

/ TRUE COPY /

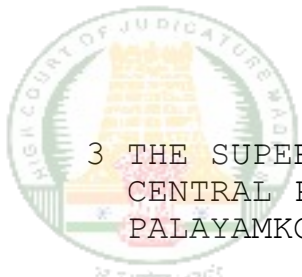
/ /2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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 1st ADDITIONAL SESSIONS JUDGE,
TIRUNELVELI.

2 THE INSPECTOR OF POLICE
VEERAVANALLUR POLICE STATION,
TIRUNELVELI DISTRICT.

<https://hcservices.gov.in/>



3 THE SUPERINTENDENT,
CENTRAL PRISON,
PALAYAMKOTTAI, TIRUNELVELI.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE REGISTRAR(JUDICIAL) ,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.18886 of 2021

Date :09/12/2021

SS/JM/SAR-III/05.01.2022 : 3P/6C