



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/01/2022

WEB COPY

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD) . No.925 of 2022

Veerapandi @ Kartik

... Petitioner/Accused No.2

Vs

State rep.by

The Inspector of Police,
S.S.Kottai Police Sation,
Sivagangai District.
(Crime No.123 of 2013).

... Respondent/Complainant

For Petitioner : M/s.Mohideen Basha.N., Advocate.

For Respondent : M/s.K.Sanjay Gandhi,
Government Advocate (Crl.Side)

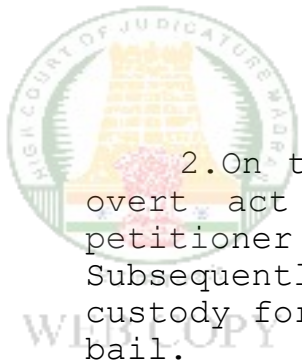
PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No. 123 of 2013 on the file of the Respondent police.

ORDER : The Court made the following order :-

A case was registered against the petitioners in Crime NO.123 of 2013 under Sections 397, 302 IPC r/w Section 34 of IPC. The petitioners were Accused Nos.1 and 2. In that case they were remanded to judicial custody on 08.12.2012 and later A1 was enlarged on bail on 06.01.2013 and A2 was released on bail on 07.02.2013. After completion of the trial the case was posted for 313 Cr.P.C. questioning. At that stage both the petitioners were called absent and Nonailable Warrant was issued against them on 29.03.2021. A1 was arrested and was remanded to custody on 24.09.2021. On 08.11.2021 A2 surrendered before the Court and filed a recall petition, which was dismissed by the trial Court. Against the dismissal of the recall petition, this petition was filed by the second accused for bail.



2. On the side of the petitioner, it is stated that there is no overt act against the petitioner. Only due to ill-health, the petitioner could not appear before the trial Court on 29.03.2021. Subsequently, the petitioner surrendered himself and he is in custody for past 72 days and prayed the petitioner to be released on bail.

3. On the side of the prosecution it is stated that the occurrence is of the year 2012 and the case is pending in S.C.No.57 of 2013. The trial is over. Only at the time of 313 questioning, the petitioner and another accused absconded and Non Bailable Warrant was issued. Only after the arrest of A1, the petitioner has come forward to surrender himself. The co-accused was arrested by the respondent police by forming a special team. Only subsequently, A2 surrendered himself. If the petitioner is released on bail, he may abscond again and the disposal of the case will be affected and prayed the petition to be dismissed.

4. It is seen that the case is in advance stage. Both the accused are in custody. The petitioner surrendered himself before the trial Court only after the remand of the other co-accused. No document has been produced to show that the petitioner was having ill health at the time of issuance of Non Bailable Warrant. In the above circumstances, this criminal original petition is dismissed with a direction to the learned Additional District Sessions Judge, Sivagangai, to complete the trial in S.C.No.57 of 2013 on his file within a period of two months from the date of receipt of a copy of this order.

Sd/-
21/01/2022

/ TRUE COPY /

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

TM

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.



1. THE ADDITIONAL DISTRICT
SESSIONS JUDGE, SIVAGANGAI.

2. THE INSPECTOR OF POLICE,
S.S.KOTTAI POLICE STATION,
SIVAGANGAI DISTRICT.

3. THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

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.925 of 2022
Date :21/01/2022

SP/VR/SAR II/27/01/2022/3P/6C