



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/05/2022

PRESENT

The Hon'ble Mrs.Justice T.V.THAMILSELVI

CRL.OP(MD).No.9156 of 2022

Kannan

... Petitioner/Accused No.3

Vs

State rep.by
The Inspector of Police,
Nalatinpudhur Police Station,
Thoothukudi District.
(Crime No.54 of 2014)

... Respondent/Complainant

For Petitioner : Mr.K.Prabhu, Advocate.

For Respondent : Mr.B.Nambi Selvan,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.54 of 2014 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner was arrested and remanded to judicial custody on 03.04.2022 for the offences punishable under Sections 109, 147, 148, 341, 294(b), 307 & 302 of IPC, in Crime No.54 of 2014, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the defacto complainant and the 5th accused had disputes with regard to getting water in turn in common pipeline. The said dispute was aggravated and that the 5th accused along with her husband (4th accused) and sons (accused 1 to 3) attacked the defacto complainant and her husband with knives and the husband of the defacto complainant was succumbed to death. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the trial in the above said case is almost over and that the trial is in the stage of arguments. Without knowing the consequences and in view of the penurious situation and in order to look after the livelihood, all the accused persons being family members went to

Mumbai for doing coolie works and due to to the non appearance of the accused persons, the learned judge issued non bailable warrant against all the accused persons on 29.08.2016.

4.The learned Additional Public Prosecutor for the respondent submitted that near about five years, all the family members were absconding and settled at Mumbai. With great effect, the police secured all the accused and now they are remanded to judicial custody. He further submits that trial was commenced and it is part heard stage. Since the petitioner is not residing permanent address, it is difficult to summon the petitioner for trial. Hence, he prayed for dismissal of this petition.

5.Considering the fact that the trial was commenced and the witnesses were examined and the petitioner did not reside at permanent address for five years and settled at Mumbai, this Court is not inclined to grant bail to the petitioner and this Criminal Original Petition is dismissed. However, the trial Court is directed to dispose of S.C.No.227 of 2015 on the file of the learned II Additional District Judge, Thoothukudi within a period of four weeks from the date of receipt of a copy of this order.

Sd/-

19/05/2022

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/ /2022

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

vsd

TO

1. THE II ADDITIONAL DISTRICT JUDGE,
THOOTHUKUDI.

2. THE INSPECTOR OF POLICE,
NALATINPUDHUR POLICE STATION,
THOOTHUKUDI DISTRICT.

3. THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.

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

+1. CC to M/S.PRABHU K Advocate SR.No.4801

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

ORDER

IN

CRL OP(MD) No.9156 of 2022

Date :19/05/2022