



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

Date : 19/05/2022

PRESENT

WEB COPY

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL.OP(MD).Nos.9314 and 9390 of 2022

Kannan ... Petitioner/Accused No.1
in CrI.O.P(MD)No.9314 of 2022

Srinivasan ... Petitioner/Accused No.2
in CrI.O.P(MD)No.9390 of 2022

Vs

The State Rep. By,
The Inspector of Police,
Kumbakonam East Police Station,
Thanjavur District.
Cr.No.451 of 2016.

... Respondent/Complainant
in both petitions

In Both Petitions:

For Petitioner : Mr.K.M.Karunakaran,
Advocate

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

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

COMMON PRAYER :-

For Bail in Crime No.451 of 2016 on the file of the Respondent police.

COMMON ORDER : The Court made the following order :-

The petitioners/A1 & A2, were arrested and remanded to judicial custody on 27.04.2021 and 19.07.2021 respectively for the offences punishable under Sections 341, 364, 302 r/w 34 of IPC, in Crime No.451 of 2016, on the file of the respondent police, seek bail.

2.The crux of the matter is that the petitioners were arrested and remanded in this case earlier and further they were granted bail. After enquiry, charge was laid before the learned Judicial Magistrate No.2, Kumbakonam. Further the case was committed before the learned Additional District and Sessions Judge (Fast Track Court) Kumbakonam in S.C.No.46 of 2017. When the said case was posted for trial, the petitioners did not appear before the trial Court. So, the learned trial Judge issued Non Bailable Warrant to secure the petitioners.



3.The learned counsel for the petitioners submitted that the first accused/Kannan was sick and he went to Kerala for taking Sidha treatment while the second accused/Srinivasan went to Kerala for collie work and they were not aware of the issuance of nonailable warrant. Hence, he seeks bail for the petitioners.

4.The learned Additional Public Prosecutor for the respondent submitted that the petitioners absconded more than three years and they were secured after great difficulty. If they are released on bail, they may abscond and tamper the witnesses.

5.Considering the fact that the trial was commenced and the witnesses were examined, if the petitioner is granted on bail, they may abscond and it is difficult to conclude the trial. Therefore, 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 S.C.No.46 of 2017 on the file of the learned Additional District and Sessions Judge (Fast Track Court), Kumbakonam, within a period of three months from the date of receipt of a copy of this order.

sd/-
19/05/2022

/ TRUE COPY /

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

TO

1. THE ADDITIONAL DISTRICT AND SESSIONS JUDGE
(FAST TRACK COURT), KUMBAKONAM.
2. THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
3. THE INSPECTOR OF POLICE,
KUMBAKONAM EAST POLICE STATION,
THANJAVUR DISTRICT.
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.9314 and 9390
of 2022
Date :19/05/2022

vsd

USK/VR/SAR-IV/25.05.2022/2P/6C

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