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

Dated: 29/07/2022

PRESENT

The Hon'ble Mr.Justice **G.ILANGOVAN**

Cr1.OP(MD)No.12394 of 2022

Prabhu @ Pillaiyar Prabhu : Petitioner/A1

Vs.

The Inspector of Police,
Sellur (L & O) Police Station,
Madurai District.

(Crime No.1711 of 2018) : Respondent/Complainant

For Petitioner : M/s.Krishnaveni

For Respondent : Mr.R.M.Anbunithi
Additional Public Prosecutor

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

PRAYER :-

C-6B.For Bail in Crime No.1711 of 2018 on the file
of the Respondent Police.

ORDER : The Court made the following order:-



WEB COPY The petitioner, who is arrayed as sole accused was arrested, on 04/09/2021 and remanded to judicial custody for the alleged offences punishable under sections 147, 148, 341, 307, 379, 302, 201, 212, 120(B), 149 IPC and section 3(1) of TNPPDL Act, in Crime No.1711 of 2018 on the file of the respondent police, seeks bail.

2.The petitioner is facing the charges for the offence punishable under sections 147, 148, 341, 307, 379, 302, 201, 212, 120(B), 149 IPC and section 3(1) of TNPPDL Act. After completion of the investigation, final report was filed and it was taken cognizance and after committal, the trial court has taken on file in SC No.339 of 2019. The petitioner was granted bail. He was attending the trial court regularly. later, he did not appear. So NBW was issued against him and on execution of the warrant, he was remanded to judicial custody, on 04/09/2021 and ever-since, he is in custody.

3.Repeated applications filed by the petitioner came to be dismissed by the trial court as well as by this court in more than one occasion on the ground that the petitioner is a habitual offender, having several



criminal cases at his credit and he is not appearing before the trial court regularly, even in pending cases. He used to get bail in one case. Committing another offence. Again arrested, getting bail and again committing another offence. It is the habitual nature of the petitioner. So on that ground only, those petitions came to be dismissed.

4. Now the respondent police is present before this court and informed the court that this petitioner also belongs to the group, which is headed by Pillaiyar Ganeshan, who is his Uncle. Along with Pillaiyar Ganeshan, this petitioner used to indulge in criminal activities, causing assault, damaging the property, criminal intimidation etc. If the petitioner is released on bail, again, he may abscond and thereby, hampering the trial process. So, strong objection has been made by the respondent.

5. No doubt the petitioner is not keeping his good conduct and he is a habitual offender in nature. But he is in custody for more than a year. The trial has not completed so far. The reason for the pendency of the case



is that one after other co-accused remain absent and warrants were also issued. Because of this only, now the case has been dragged on. But however, since the petitioner is in custody for more than a year, I am of the considered view that one more opportunity may be given to the petitioner to correct himself to face the trial process and cooperate with the trial court to complete the same within a reasonable time.

6. Even though, several grounds have been made by the petitioner, on the ground incarceration period, this court is inclined **to enlarge the petitioner on bail** with certain conditions. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned IV Additional District and Sessions Judge, Madurai District and on further condition that the petitioner shall report before the concerned trial court daily at 10.30 am until further orders.

(G I J)
29.07.2022

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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,
Sellur (L & O) Police Station,
Madurai District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- 3.The Central Prison,
Palayamkottai,
Tirunelveli District.



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