



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

Date : 23/08/2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.15024 of 2022

Kartheesan

... Petitioner/Accused No.2/
Accused No.2

Vs

The State Rep. By,
The Inspector of Police,
Kulasekarapattinam Police Station,
Thoothukudi District.
(Crime No.118/2015).

... Respondent/Respondent/
Complainant

For Petitioner : M/s.Muthumalairaja.S,
Advocate

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No.118/2015 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused herein, who was arrested on 20.07.2022, in pursuant to NBW issued by the Judicial Magistrate, Trichendur in CC No.34 of 2016, connected in Crime No.118 of 2015, the alleged offence under Sections 294(b), 354, 427, 506(ii) IPC, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 22.06.2015, the petitioner along with other accused persons abused the defacto complainant with filthy language, with an intention to outrage her modesty, pulled her hands and also damaged the water pipe line. Hence, the case.

3.The learned counsel for the petitioner submitted due to absence of petitioner, NBW has been issued against him by the trial Court on 03.06.2022 and he was secured on PT warrant on 20.07.2022. Hence, prays for bail.



4.The learned Government Advocate (Crl.Side) submitted that in this case due to absence of the petitioner NBW was already issued as early as on 11.02.2020 and later, after a lapse of 21 months, he surrendered only on 12.11.2021. Again, NBW was issued for the absence of the petitioner on 03.06.2022. This is the second time. Further more, the petitioner is having three previous cases. In this case, chief and cross examination of witnesses except the Investigation Officer were already completed and now the case is posted for examination of Investigation Officer. At this stage, if the petitioner is released on bail, he will abscond, which will hamper the trial. Hence, prays to dismiss the petition.

5.It seems that the petitioner is a habitual offender and as rightly contended by the learned Government Advocate (Crl.Side), if the petitioner is released on bail, he will abscond, which will certainly hamper the trial. Considering the conduct of the petitioner, he is not entitled for any discretionary relief from this Court. This petition deserves to be dismissed.

6.Accordingly, this Criminal Original Petition stands dismissed.

sd/-
23/08/2022

/ TRUE COPY /

/08/2022

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

TO

1. THE INSPECTOR OF POLICE,
KULASEKARAPATTINAM POLICE STATION,
THOOTHUKUDI DISTRICT.
2. THE OFFICER-INCHARGE,
DISTRICT JAIL, SRIVAIKUNDAM,
THOOTHUKUDI DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.15024 of 2022
Date :23/08/2022

pnm
USK/VR/SAR-IV/30.08.2022/2P/4C

<https://www.mhc.tn.gov.in/judis>