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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 22/12/2022
PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD). No.21619 of 2022

Chinnaraj

... Petitioner/Accused
No Unknown

Vs

The State rep.by
The Inspector of Police,
Mandaiyur Police Station,
Pudukottai District.
(Crime No.42/2019).

... Respondent/Complainant

For Petitioner : M/s.RAJARAJAN.M,
Advocate.

For Respondent : Mr.T.SENTHIL KUMAR,
Additional Public Prosecutor

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

PRAYER :- For Bail in Cr No.42/2019 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who is facing a case for the offence under Section 392 IPC in S.C.No.104 of 2019 on the file of the learned Principal Sessions Judge, Pudukkottai in Crime No.42 of 2019, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 26.06.2019, while the de-facto complainant was returning from his agricultural field, two persons stopped him and enquired him about short route for viralimalai and all of a sudden, they threatened him with knife and robbed his chain and also escaped from the place of occurrence. Hence, the case came to be registered.

3.The learned counsel for the petitioner would submit that on 26.06.2022, the petitioner was unable to appear before the trial Court and thereby, the trial Court had issued Non-Bailable warrant, pursuant to which, the petitioner was arrested on 30.11.2022. He would further submit that due to illness only, the petitioner was unable to appear before the trial Court. He would further submit that the petitioner is ready and willing to appear before the Court below on all hearing dates. Hence, he seeks for bail.



4.The learned Additional Public Prosecutor would submit that the petitioner is a habitual absconder and that he is a misty of absconding again and again. He would further submit that the case was posted for framing of charges, the petitioner did not appear and thereby, the trial Court had issued Non-Bailable Warrant of arrest on 26.06.2022. Pursuant to which, the petitioner was arrested on 30.11.2022. He would further submit that the allegations against the petitioner is that, he is the one, who was snatched the chain. He would further submit that the case now stands posted for framing of charges during the 1st week of January 2023 and if at this stage, bail is granted to the petitioner, there is every possibility of abscondance of the petitioner and thereby, derailing the progress of trial. Hence, he opposed for grant of bail.

5.Heard. Perused the materials available on record including the FIR.

6.Taking into consideration the facts and the submissions and also the facts that the petitioner is a habitual absconder and that the case now stands posted for framing of charges, this Court is not inclined to grant bail to the petitioner.

7.Accordingly, this Criminal Original Petition is dismissed for the present.

sd/-

22/12/2022

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/01/2023

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

SJI

TO

1 THE PRINCIPAL SESSIONS JUDGE,
PUDUKKOTTAI.

2 THE OFFICER INCHARGE,
DISTRICT JAIL, PUDUKKOTTAI.

3 THE INSPECTOR OF POLICE,
MANDAIYUR POLICE STATION,
PUDUKOTTAI DISTRICT.

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

ORDER IN

CRL OP(MD) No.21619 of 2022

Date :22/12/2022