



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

Date : 20/12/2022

PRESENT

WEB COPY

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

CRL OP(MD). No.22552 of 2022

Thavam @ Thavaselvam

... Petitioner/Sole Accused

Vs

The State Rep. by,
The Inspector of Police,
Natham Police Station,
Dindigul District.
Crime No.259 of 2019.

... Respondent/Complainant

For Petitioner : M/s.Krishnan S, Advocate
For Respondent : Mr.T.Senthil Kumar,
Additional Public Prosecutor

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

PRAYER :-

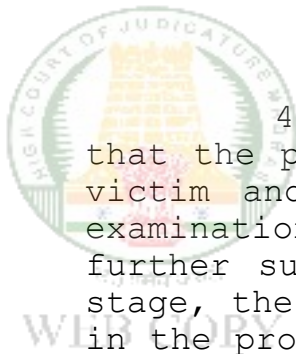
For Anticipatory Bail in Crime No.259 of 2019 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused herein, who was remanded on 27.07.2022, in pursuant to NBW issued by the Sessions Judge, Fast Track Mahila Court, Dindigul in Spl.S.C.No.08 of 2020, connected in Crime No.259 of 2019, the alleged offence under Section 363 IPC and Sections 5(1) r/w 6 of POCSO Act, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 02.05.2019 at about 08.00 p.m., the defacto complainant's daughter went to shop, but did not return and found missing. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. After enlargement on bail, the petitioner had regularly appeared before the trial Court. After commencement of trial, the petitioner was absent on 13.08.2021 and hence, NBW was issued by the learned Judge. Thereafter, he was remanded on execution of NBW on 27.07.2022. Hence, prays to release the petitioner on bail.



4. The learned Additional Public Prosecutor would submit that the petitioner is a married man and he has ravished the minor victim and the case is at the fag end of trial and posted for examination of defence side witnesses on 27.12.2022. He would further submit that if the petitioner is released on bail at this stage, there is every likelihood of absconding and thereby derailing in the process of trial. Hence, he strongly opposed to grant bail to the petitioner.

5. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6. Taking into consideration the facts and circumstances of the case and the petitioner is having a history of absconding and the now the case is at the fag end of trial and if the bail is granted to the petitioner, there is a possibility of absconding, which would derail the progress of trial.

7. In the interest of justice, this Court is not inclined to enlarge the petitioner on bail, at this stage. Accordingly, this petition stands dismissed.

sd/-
20/12/2022

/ TRUE COPY /

/01/2023

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

PNM

TO

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

ORDER
IN
CRL OP(MD) No.22552 of 2022
Date :20/12/2022

USK/VR/SAR- /02.01.2023/2P/4C