



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 07/02/2023
PRESENT

WEB COPY

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

CRL OP(MD) . No.1890 of 2023

Manikandan @ Laly Manikandan

... Petitioner/Accused No.A5

Vs

The State rep.by
The Inspector of Police,
Nachiyarkovil Police Station,
Thanjavur District.
Crime No.374 of 2014.

... Respondent/Complainant

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

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

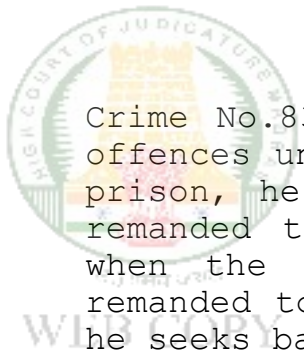
PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :- To enlarge the Petitioner/Accused No.5 on bail in Cr.No.374 of 2014 in SC.No.34 of 2020 on the file of the Additional District and Sessions Judge(FTC), Kumbakonam, pending trial.

ORDER : The Court made the following order :-

The petitioner /A5 who was arrested and remanded to judicial custody on 08.05.2019 on P.T.warrant in SC.No.34 of 2020 on the file of the Additional District and Sessions Judge(FTC),Kumbakonam for the offences under sections 148,364 and 302 of IPC in Crime No. 374 of 2014 on the file of the respondent police seeks bail.

2. The learned counsel appearing for the petitioner would submit that the petitioner as A5 is facing trial in S.C.No.34 of 2020 on the file of the learned Additional District and Sessions Judge(Fast Track Court)Kumbakonam for the alleged offences under sections 148,364 and 302 of IPC . The offence is alleged to have be committed on 11.12.2014 and thereafter the petitioner was arrested in this case on 03.05.2015 and later he was enlarged on statutory bail on 26.08.2015. The petitioner was unable to appear before the learned Judicial Magistrate, Kumbakonam and the learned Magistrate without issuing notice to the petitioner had cancelled the bail. Subsequently the petitioner was arrested in a case registered in



Crime No.83 of 2019 by the Natchiyarkovil police station. He is charged with offences under Sections 294(b), 307 and 427 of IPC. While he was in prison, he was produced on P.T. Warrant on 08.05.2019 and he is remanded to judicial on 08.05.2019. He would further submit that when the accused is produced on P.T. Warrant he could not be remanded to judicial custody as per section 267 of Cr.P.C, thereby he seeks bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner is a habitual offender against whom there are twelve cases pending out of which four cases are for grave offences of murder, two cases are for offences under Section 397 of IPC and one case is under section 307 of IPC. He would further submit that the petitioner was released on statutory bail in Crime No.374 of 2014 by the learned Judicial Magistrate, Kumbakonam and thereafter the petitioner was absconding and he did not appear before the committal court and during his abscondance the petitioner got himself involved in several other cases. Since the petitioner was absconding the learned Magistrate had cancelled the bail on 24.04.2019. Even thereafter the petitioner got himself involved in another murder case reported in crime No.759 of 2021. He would further submit that the petitioner conspired together with the other accused in jail, pursuant to which an advocate was murdered and a case came to be registered in Crime No 137 of 2015. Subsequently he got another case registered in Crime No. 759 of 2021 for the offences under Sections 147,148,302,120(B) r/w.302 of IPC and Section 25(1)(b) of Indian Arms Act @ sections 147,148,120(B) r/w.302 of IPC and section 25(1)(b) of Indian Arms Act by the Thiruvidadaimaruthur Police. He would further submit that after coming out on bail he had absconded for four years and the petitioner's bail has been cancelled and the petitioner has not challenged the order of cancellation of bail and the petitioner has been arrested after great difficulty and while he was in jail he was produced on P.T.warrant and remanded to judicial custody. He would further submit that the petitioner has got four cases reported for murder and if he is released on bail, he will abscond again and thereby derailing the progress of trial. He would further submit that in this case charges have been framed and the case stands posted for fixing date for trial and there is every possibility of the respondent completing the trial within a period of three months from the date of commencement of trial, thereby he seeks dismissal of the petition.

5. Heard. Perused the materials available on record including the First Information Report.

6. As per the status report it is stated that the petitioner had got a long track history of involvement in crime in so many cases. Earlier the petitioner was granted bail and he had absconded for four years. During the period of abscondance the petitioner has involved in a offence of grave nature and he had



been secured after great difficulty and as rightly pointed out by the learned Additional Public Prosecutor if bail is granted to him at this stage there is every possibility of him absconding again and involved in offence again.

7. In view of the above, this Criminal Original Petition stands dismissed. Further a direction is issued to the learned Additional District and Sessions Judge, (FTC), Kumbakonam to complete the trial in S.C.No. 34 of 2020 as expeditiously as possible preferably within a period of three months from the date of receipt of a copy of this order.

sd/-

07/02/2023

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

AAV

TO

1 THE ADDITIONAL DISTRICT & SESSIONS JUDGE (FTC), KUMBAKONAM.

2 THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.

3 THE INSPECTOR OF POLICE,
NACHIYARKOVIL POLICE STATION,
THANJAVUR DISTRICT.

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

COPY TO:

1 THE REGISTRAR(JUDICIAL),
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

2 THE SECTION OFFICER,
CRIMINAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.1890 of 2023

Date :07/02/2023

SA/VR/SAR.3/24.02.2023/3P/7C