



CRL OP(MD). No.12167 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/07/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.12167 of 2023

Venkat @ Venkatesan

... Petitioner/Sole Accused

Vs

The Inspector of Police,
Viralimalai Police Station,
Pudukkottai District.
Cr.No.433/2021.

... Respondent/Complainant

For Petitioner : M/s. D.RAMESHKUMAR, Advocate

For Respondent : Mr.B.NAMBISELVAN,

Additional Public Prosecutor

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

PRAYER :- For Bail in Crime No. 433/2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/ Accused herein, who was arrested on 11.04.2023, pursuant to NBW issued against the petitioner by the learned Sessions Judge, Mahila Court, Pudukkottai in S.C.No.29 of 2021, for the alleged offence under Sections 363 IPC and Section 5(1), 6(1) of POCSO Amended Act, 2019, in Crime No.433 of 2021, on the file of the respondent police, seeks bail.

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2.The case of the prosecution is that the petitioner and the victim loved each other and the same was refused by the victim's family members and they arranged marriage with another man. Therefore, the victim has eloped with the petitioner. Hence, the complaint.

3.The learned counsel for the petitioner submitted due to absence of petitioner, NBW has been issued against him by the trial Court on 01.09.2022 and he was remanded on 11.04.2023. The matter is going to be compromised between the parties. Hence, prays for bail.

4.The learned Additional Public Prosecutor submitted that in this case in the earlier occasion, due to absence of the petitioner NBW was already issued more than three times to the petitioner. He wantonly failed to appear before the trial Court, which would cause difficulty in conducting trial. At this stage, if the petitioner is released on bail, he would abscond, which would hamper the trial. Hence, prays to dismiss the petition.

5.In this regard, a report is called for from the trial Court, as to how many times the petitioner was absent. The report was submitted and stated that the trial was fixed on 16.12.2021, on that date, the petitioner was absent and warrant has been issued. On 29.12.2021, he surrendered and warrant has been recalled. Again on 25.03.2022, the petitioner was absent and warrant has been issued. On 07.04.2022 he



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surrendered and warrant has been recalled. Again on 13.07.2022, the petitioner was absent and warrant has been issued and later on 16.08.2022 warrant was recalled. Again on 01.09.2022, the petitioner was absent and warrant has been issued and remanded into judicial custody on 11.04.2023.

6.Though the matter is going to be compromised between the parties, considering the conduct of the petitioner, if he released on bail, as rightly contended by the learned Additional Public Prosecutor, he would abscond, which would certainly hamper the trial. In view of the above, the petitioner is not entitled for any discretionary relief from this Court. This petition deserves to be dismissed. However, he can revive his bail petition after examination of PW1 and PW2.

7.Accordingly, this Criminal Original Petition stands dismissed.

sd/-
14/07/2023

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/07/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PNM
TO
1 THE SESSIONS JUDGE,
MAHILA COURT,
PUDUKOTTAI



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2 THE INSPECTOR OF POLICE,
VIRALIMALAI POLICE STATION,
PUDUKKOTTAI DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

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

ORDER
IN
CRL OP(MD) No.12167 of 2023
Date :14/07/2023

SA/VR/SAR. /24.07.2023/4P/5C
Madurai Bench of Madras High Court is issuing
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