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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/07/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.13559 of 2023

Esakkimuthu

... Petitioner/Sole Accused

Vs

State, represented by
The Sub-Inspector of Police,
Tenkasi Police Station,
Tenkasi District.
(Crime No.619 of 2018).

... Respondent/Complainant

For Petitioner : Mr.Balamurugan, Advocate
for Mr.Saravanakumar.C.
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.619 of 2018 on the file of the respondent Police.

<https://www.judh.org.in/judh> ORDER :- The Court made the following order :-



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The petitioner/ sole accused herein, who was arrested for the alleged offence under Sections 342, 294(b), 376, 511, 506(ii) IPC @ U/s.342, 294(b), 376 r/w. 511, 506(i) of IPC and Section 4 of TNPHW Act, in Crime No.619 of 2018 on the file of the respondent Police, seek bail.

2. The case of the prosecution is that on the date of occurrence the defacto complainant was in her garden, at that time, the petitioner threatened the defacto complainant and tried to commit rape. Hence the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is innocent person. Originally, he was granted bail and appearing before the trial Court regularly. Later defaulted on three occasions. On three occasions also, he surrendered. The warrant was recalled finally. He remained absent from 30.12.2022 and warrant was issued on 19.04.2023. It was executed and he was remanded to custody on 06.06.2023. The petitioner is working as a lorry Driver, so he could not appear before the concerned Court on the date of issue of the warrant.

4. It is also seen that the petitioner was arrested in another case in Crime No.67 of 2023. Only based on the above said detention, he could not appear before the concerned Court.



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5. The learned Additional Public Prosecutor submitted that it is the case of the year 2019 and direction may be issued to the trial Court to complete the trial process within the time stipulated by this Court.

6. Considering the fact that the petitioner is not co-operating with the trial Court to complete the process of trial by regularly appearing or by engaging Counsels, let the trial be completed within a period of three months from the date of receipt of copy of this order.

7. With the above said direction, this Criminal Original Petition stands dismissed.

sd/-
25/07/2023

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/08/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

INDU

TO

1 THE INSPECTOR OF POLICE
TENKASI POLICE STATION,
TENKASI.



2 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.

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

ORDER
IN
CRL OP(MD) No.13559 of 2023
Date :25/07/2023

SS/DD/08/08/2023/4P/4C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023