



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 19/01/2023

PRESENT

WEB COPY

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

CRL OP(MD). No.21674 of 2022

Manickavasagam

... Petitioner/Accused No.2

Vs

The State Rep.by  
The Inspector of Police,  
Madhukur Police Station, Thanjavur  
District. (Crime No.127/2014).

... Respondent/Complainant

For Petitioner : M/s.Jameelarasu B,  
Advocate.

For Respondent : Mr.T.Senthilkumar,  
Additional Public Prosecutor

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

PRAYER :-

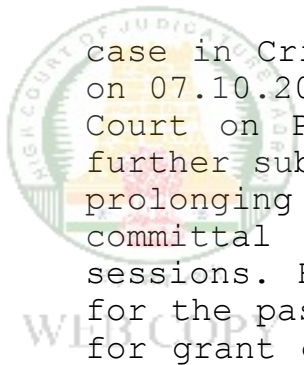
For Bail in Cr No.127/2014 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A2, who was arrested and remanded to judicial custody on 13.10.2022 pursuant to the execution of Non Bailable Warrant seeks bail.

2. The learned counsel for the petitioner would submit that the due to illness the petitioner was unable to appear before the court and the learned trial Judge had issued Non Bailable Warrant of arrest pursuant to which he was arrested on 13.10.2022 and still in custody. He would further submit that the case has not been committed due to the abscondance of the two other accused and the petitioner is not responsible for the non committal of the case, thereby he would seek for bail.

3. The learned Additional Public Prosecutor would submit that the petitioner has been absconding from 03.02.2018 and he would also submit that while he was in abscondance he involved in another



case in Crime No.272 of 2022 of Ashok Nagar Police Station, on 07.10.2022 and when he was in custody he was produced before the Court on P.T.Warrant and remanded to judicial custody. He would further submit that the case is of the year 2014 and the accused are prolonging the case by absconding one after another thereby the committal court is unable to commit the case to the court of sessions. He would reiterate that the case is of the year 2014 and for the past eight years the case is pending. Hence he would object for grant of bail. He would further submit that if the accused is released on bail there is every possibility of him absconding once again and thereby the case could not be able to committed to the court of sessions. He would also submit that the respondent police are also taking steps to split up the case against all the remaining accused who are regularly appearing before the Court, hence he seeks dismissal of the petition.

4. In reply, the learned counsel for the petitioner submitted that the petitioner has also filed an application for splitting up the case in Crl.M.P. No.5153 of 2022 before the learned Judicial Magistrate, Pattukottai and he would seek that a direction may be issued to the committal court to split up the case as against the remaining accused and commit the case to the court of sessions.

5. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent and perused the materials available on record.

6.The case is of the year 2014 which has been registered in Crime No.127 of 2014. It is really saddening to see that even after eight years the committal Court is unable to commit the case to the Court of sessions due to the abscondance of the accused persons and it is also seen that two other accused are still at large. Further it is seen from the submission of the learned Additional Public Prosecutor that one of the accused has gone abroad and the other accused is still absconding.

7. In view of the above, this Criminal Original Petition stands disposed of with the following directions :

a) the Superintendent of Police, Thanjavur District is directed to take earnest steps to secure the remaining accused who are at large

b) the learned Judicial Magistrate, Pattukottai is directed to split up the case against the remaining accused and commit the case to the court of sessions at the earliest.

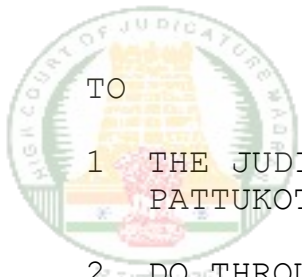
sd/-

19/01/2023

/ TRUE COPY /

20/01/2023

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



TO

1 THE JUDICIAL MAGISTRATE,  
PATTUKOTTAI, THANJAVUR DISTRICT.

2 DO THROUGH:  
THE CHIEF JUDICIAL MAGISTRATE,  
THANJAVUR  
DISTRICT AT KUMBAKONAM.

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

4 THE SUPERINTENDENT  
CENTRAL PRISON, THIRUCHIRAPPALLI.

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

Copy to:

The Superintendent of Police, Thanjavur District

ORDER

IN

CRL OP(MD) No.21674 of 2022

Date :19/01/2023

MGJ/VR(20.01.2023) 3P 6C