



CRL OP(MD) No.914 of 2024

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

Monday, the Twenty Second day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.914 of 2024

BACKIYARAJ

... Petitioner / Sole Accused

Vs

THE INSPECTOR OF POLICE
AVUDAIYARKOVIL POLICE STATION,
PUDUKKOTTAI DISTRICT.
(CRIME NO.52/2012).

... Respondent / Complainant

For Petitioner : M/s.D.Rameshkumar, Advocate
For Respondent : Mr.B.Nambiselvan,
Additional Public Prosecutor

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

PRAYER : TO ENLARGE THE PETITIONER/ACCUSED ON BAIL IN CONNECTION WITH THE CASE IN SC NO.7/2015 ON THE FILE OF THE SESSIONS JUDGE, MAHILA COURT(FAC) PUDUKKOTTAI IN CRIME NO.52/2012 IN PENDING INVESTIGATION ON THE FILE OF THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner /Sole Accused, who was arrested and remanded to judicial custody on 19.12.2023 on execution of Non-Bailable Warrant issued by the learned



CRL OP(MD) No.914 of 2024

Sessions Judge, Mahila Court (FAC), Pudukkottai, for the offences punishable under Sections 174 of IPC altered into Sections 449, 302, 394 and 201 of IPC in S.C.No.7 of 2015, seeks bail.

2. The petitioner was absent during the trial in S.C.No.7 of 2015 on 06.03.2023 pending on the file of the learned Sessions Judge, Mahila Court (FAC), Pudukkottai. Thereby, Non Bailable Warrant came to be issued on 06.03.2023. Pursuant to the same, the petitioner was arrested and remanded to judicial custody on 19.12.2023.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. He would further submit that because of the non-appearance of the petitioner, Non Bailable Warrant was issued on 19.12.2023. Thereafter, the petitioner filed a petition to re-call P.W.1. However the Law Enforcing Agency is not yet produced P.W.1 before Court below. Hence, he prays for grant of bail to the petitioner.

4.Heard the learned Additional Public Prosecutor appearing for the State would submit that the non bailable warrant was issued in the month of March 2023 and he was secured in the month of December 2023. Further, the petitioner is having 4 previous cases. Out of which, 2 cases were ended in conviction and 1 case was ended in acquittal. If he is enlarged on bail, there will no progress in the trial process. Hence, he vehemently, opposed to grant bail to the petitioner.



CRL OP(MD) No.914 of 2024

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5. Considering the facts and circumstances of the case and also considering the previous antecedent of the petitioner, this Court is not inclined to grant bail to the petitioner.

6. Accordingly, this Criminal Original Petition is dismissed.

7. The Law Enforcing Agency is directed to produce P.W.1 before the learned Sessions Judge, Mahila Court (FAC), Pudukkottai, on next hearing date and the Sessions Judge, Mahila Court (FAC), Pudukkottai, is directed to complete the trial as expeditiously as possible.

sd/-
22/01/2024

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/01/2024
Sub-Assistant Registrar
(C.S. I / II / III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS

To

1. The sessions Judge,
Mahila Court (FAC),
Pudukkottai.

2. The Inspector of Police,
Avudaiyarkovil Police Station,
Pudukkottai District.



CRL OP(MD) No.914 of 2024

3.The Officer Incharge,
District Prison,
Pudukkottai.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.914 of 2024
Date :22/01/2024

ED/ JGB /SAR- (29/01/2024) 4P / 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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