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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03.06.2024

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD).Nos.7888 and 7891 of 2024

Kabi @ Kabilan

... Petitioner/ Accused No.4
in CRL OP(MD)No.7888 of 2024

... Petitioner/ Accused No.1
in CRL OP(MD)No.7891 of 2024

Versus

The State Rep. by
The Inspector of Police,
Pattukottai Town Police Station,
Thanjavur District.
(Crime No.248/2017)

... Respondent/Complainant
in CRL OP(MD)No.7888 of 2024

(Crime No.17/2021)

... Respondent/Complainant
in CRL OP(MD)No.7891 of 2024

For Petitioner
in both Crl.O.Ps.:

Mr.G.Manikandan,
Advocate

For Respondent
in both Crl.O.Ps.:

Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor



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PETITIONS FOR BAIL's Under Sec.439 of Cr.P.C.

COMMON PRAYER :-

For Bail in Crime Nos.248 of 2017 and 17 of 2021 on the file of the respondent Police.

COMMON ORDER : The Court made the following order :-

The respondent Police has registered a case against the petitioner in Crime No.248 of 2017 for the offence punishable under Sections 147, 148, 294(b), 452, 326, 120(b), 149 and 307 IPC. After the completion of investigation, final report was filed and the same was taken on file in PRC No.3 of 2021.

2. The respondent Police has registered yet another case against the petitioner in Crime No.17 of 2021 for the offence punishable under Sections 147, 148 and 302 IPC altered into Sections 147, 148, 120(B), 302 IPC r/w. Sections 25(1-A) and 27(2) of Arms Act. After the completion of investigation, final report was filed and the same was taken on file in PRC No.24 of 2023.

3. Due to non-appearance of the petitioner for hearing in both the cases, the trial Court has issued Non Bailable Warrants, based on which, the petitioner was arrested and remanded to judicial custody on 26.03.2024. Therefore, he has filed these petitions seeking bail.



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4. The learned counsel appearing for the petitioner submits that the petitioner is an innocent and he has not involved in these cases. However, he has been falsely implicated in these cases. He further submits that in both the cases, final reports have been taken on file in PRC Nos.3 of 2021 and 24 of 2023 and therefore, the custodial interrogation of the petitioner is not required in both the cases. He further submits that the petitioner is the only breadwinner of the family. Therefore, he prays for grant of bail to the petitioner.

5. The learned Additional Public Prosecutor opposes for grant of bail on the ground that the petitioner is having 15 previous cases. He further submits that the petitioner was earlier granted bail in these cases and thereafter, he jumped bail. Based on the Non-Bailable Warrant issued by the trial Court, he was secured only after a year.

6. Considering the conduct of the petitioner and also considering the antecedent of the petitioner, this Court is not inclined to grant bail to the petitioner.



7. Accordingly, these Criminal Original Petitions are dismissed.

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

OGY
TO

- 1 THE INSPECTOR OF POLICE
PATTUKOTTAI TOWN POLICE STATION,
THANJAVUR DISTRICT.
- 2 THE OFFICER INCHARGE,
SUB JAIL, PUDUKKOTTAI.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN

CRL OP(MD).Nos.7888 and 7891 of 2024

Date :03/06/2024

SS/VR/SAR- /13/06/2024/4P/4C

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