



CRL OP(MD)No.8495 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 11.06.2024

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.8495 of 2024

Muthu Esaki @ Vaganam

... Petitioner/Sole Accused

Vs

The Inspector of Police,
Sivagiri Police Station,
Tirunelveli District.
(Crime No.173 of 2016)

... Respondent/Complainant

For Petitioner : Mr.K.Sankar, Advocate
For Respondent : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.173 of 2016 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner, who is an accused in PRC.No.31 of 2018 on the file of the learned Judicial Magistrate, Sivagiri, has filed this application seeking bail. The said case was registered for the offence under Section 397 IPC in Crime No.173 of 2016 on the file of the respondent police.

2. The final report was filed in the year 2018. When the case was posted for trial,

<https://www.mhc.tn.gov.in/judis>



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the petitioner appears to have absconded on 02.01.2020 and therefore, a Non-Bailable Warrant was issued against him and he was arrested only on 31.01.2024.

3.The learned counsel for the petitioner submits that the petitioner was ill and hence, he could not able to appear before the trial Court and therefore, NBW was issued against him on 02.01.2020. However, his non appearance is neither wilful nor wanton.

4.The learned Additional Public Prosecutor submits that the trial the petitioner was absconded for the past four years and he has eight previous cases to his credit, which are similar in nature.

5.Considering the manner in which the petitioner has appeared before the trial Court and he absconded for the past four years, this Court is not inclined to grant bail to the petitioner. Accordingly, this criminal original petition is dismissed.

sd/-

11/06/2024

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/06/2024

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

gns
TO

1 THE INSPECTOR OF POLICE, SIVAGIRI POLICE STATION,
TIRUNELVELI DISTRICT.



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2 THE SUPERINTENDENT, CENTRAL PRISON, TIRUNELVELI.

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

ORDER

IN

CRL OP(MD) No.8495 of 2024

Date :11/06/2024

RS/JGB/SAR-(18.06.2024) 3P 4C

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