



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/10/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.17651 of 2024

Hulk @ Karthi

... Petitioner/ Accused No.3

Vs

The State of Tamilnadu,
Rep. by the Inspector of Police,
Kumbakonam East Police Station,
Thanjavur District.
Crime No.326/2022.

... Respondent/ Complainant

For Petitioner : V.Selvakumar,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

To enlarge the petitioner on bail in connection with Crime No. 326 of 2022 on the file of the Respondent police in connection with S.C.No. 347/2022 on the file of the Additional District and Sessions Judge, (Fast Track Court) Kumbakonam.



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ORDER : The Court made the following order :-

The petitioner/ Accused, who was arrested and remanded to judicial custody on 02.02.2024 for the offences punishable under Sections 147, 148, 342 and 302 r/w. 149 IPC in crime No. 326 of 2022 on the file of the respondent police, seeks bail.

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

3. In this case the petitioner was earlier granted bail, but however, he did not attend the court on 05.01.2024 and therefore, NBW was issued and thereafter, he was arrested on 2/2/2024.

4. The learned counsel for the petitioner would submit that from March 2024, the petitioner is in custody. A perusal of the records of this case, it can be seen that

the case is posted for trial and there are three eyewitnesses in this csae. Perhaps the



petitioner do not want to examine the eyewitnesses at the present stage and therefore, one after the other they are not attending the court and the NBW is being issued to A1-Manikandan is absent in court on 13/8/2024 and is absconding till date. A4 viz., Dheena Dhayalan was absent on 13/8/2024 and is absconding till date. A5 viz., Sibiraj, did not attend the court on 12/4/2024 and thereafter, the NBW was issued only on 27/8/2024. A6 viz., Santosh Kumar was absent on 10/12/2023 and the NBW was issued and he was arrested on 2/3/2024. A2 viz., Vijay Kumar was absent on 12/10/2023 and thereafter, he was arrested on execution of NBW only on 1/11/2023. A7 viz., Tharun Balaji was absent on 4/3/2023 and thereafter, he was arrested on execution of NBW on 27/3/2023. Earlier also the same A7 - Tharun Balaji was absent on 23/01/2023 and thereafter, NBW was executed on 27/02/2023. This petitioner was absent on 5/1/2024. Therefore, it is a clear cut case that one after the other the accused are absent and are preventing the trial to proceed. Therefore, not only the petitioner's bail is rejected. Hereafter, whoever is being arrested on execution of the NBW may not be released on bail, until the trial is over, because it seems to be a deliberate attempt to thwart trial.

5. With the above observations, this Criminal Original Petition is dismissed.

The respondent police is directed to form a special team and nab the absconding accused A1 to A4 at the earliest. Since the application for bail is being rejected to the



petitioner, the trial court shall also expedite the hearings. If the absconding accused could not be traced out for long, the steps can also be taken for splitting up the case and conduct of the trial.

sd/-
23/10/2024

/ TRUE COPY /

/11/2024
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE NO.I,
KUMBAKONAM.
- 2 DO THROUGH,
THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR AT KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE,
KUMBAKONAM EAST POLICE STATION,
THANJAVUR DISTRICT.



4. THE SUPERINTENDENT,
CENTRAL PRISON,
TRICHIRAPALLI.

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

ORDER
IN
CRL OP(MD) No.17651 of 2024
Date :23/10/2024

MGJ/SKN(15.11.2024) 5P 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023