



Crl.O.P.(MD)No.18653 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

DATED : 29/11/2024

PRESENT

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.O.P.(MD)Nos.18653 and 18655 of 2024

Crl.O.P.(MD)No.18653 of 2024

Kabi @ Kabilan

.... Petitioner / A1

versus

The State of Tamilnadu,
Rep. by the Inspector of Police,
Pattukottai Town Police Station,
Thanjavur District.
Crime No.17/2021.

.... Respondent

Crl.O.P.(MD)No.18655 of 2024

Kabil @ Kabilan

.... Petitioner/ A4

versus

The State of Tamilnadu,
Rep. by the Inspector of Police,
Pattukkottai Town Police Station,
Thanjavur District.
Crime No.248/2017

.... Respondent



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For Petitioner : Mr.A.Balaji

For Respondent : Mr.P.Kottaichamy,
Government Advocate (Crl. side)

PETITIONS FOR BAIL under Sec.483 of BNSS 2023

PRAYER:-

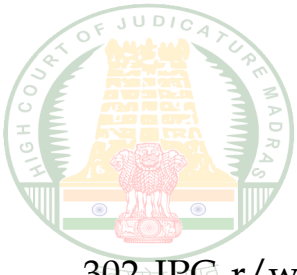
For Bail in Crime No.17 of 2021 and 248 of 2017 on the file of the respondent Police.

COMMON ORDER : The Court made the following order:-

The petitioner in both the petitions are one and the same. For his remand in Crime No.17 of 2021 on the file of the Inspector of Police, Pattukkottai Town Police Station, he moved a bail petition in Crl.O.P.(MD)No.18653 of 2024. For his remand in another case in Crime No.248 of 2017, he filed another bail petition in Crl.O.P. (MD)No.18655 of 2024.

2. Since the petitioner in both the petitions are one and the same, both the Criminal Original Petitions are taken up together and disposed of the same by way of a common order.

3. The case of the prosecution in Crime No.17 of 2021 is that the petitioner along with two others committed murder of one Siranjeevi in the year 2021. The said case was registered as against the petitioner, on the complaint of a Village Administrative Officer on 04.01.2021, for the offence under Sections 147, 148, 120B,



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302 IPC r/w. Sections 25(1-A) and 27(2) of Arms Act. After the investigation, the final report was filed as against 22 persons and the case is now pending in PRC No.24 of 2023 on the file of the learned Judicial Magistrate, Pattukkottai. In the said case, the petitioner was released on bail. However, he failed to appear before the trial Court on 18.07.2023. Therefore, a Non-Bailable Warrant was issued as against the petitioner and he was arrested after eight months, i.e. on 26.03.2024 and remanded to judicial custody. A bail petition was moved by the petitioner before the Principal Sessions Court, Thanjavur, in Crl.M.P.No.3125 of 2024 and the same was dismissed by order dated 29.04.2024. As against the same, the bail applications filed by the petitioner before this Court in Crl.O.P.(MD)No.7891 of 2024 and Crl.O.P.(MD)No.9464 of 2024 were also dismissed on 03.06.2024 and 27.06.2024 respectively. Hence, the petitioner has moved this 3rd bail petition before this Court in Crl.O.P.(MD)No.18653 of 2024 that he is in jail from 26.03.2024.

4. The case in Crl.O.P.(MD)No.18655 of 2024 is that due to motive arising out of one Thanga Pandiyan murder case, the petitioner along with other accused said to have assaulted one Manikandan on 24.08.2017 at about 9.30 a.m, for which, a case was registered in Crime No.248 of 2017 for the offences under Sections 147, 148, 294 (b), 452, 326, 120(b), 149 and 307 IPC. After the investigation, the final report was filed as against the petitioner and eight others and the case is now pending before



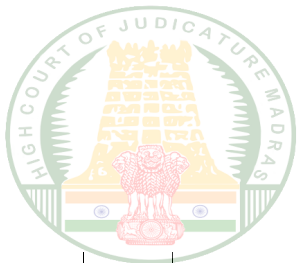
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the learned Judicial Magistrate, Pattukkottai, in PRC No.3 of 2021. The petitioner was released on bail in this case. However, he failed to appear before the Court on 23.01.2023. Therefore, a Non-bailable Warrant was issued as against the petitioner, based on which, he was secured only on 26.03.2024, i.e. after 13 months and now, he is in jail from 26.03.2024. The petitioner has moved a bail petition before the Principal Sessions Court, Thanjavur, in Crl.M.P.No.3124 of 2024 and the same was dismissed by order dated 29.04.2024. As against the same, the petitioner moved bail petitions before this Court in Crl.O.P.(MD)No.7888 of 2024 and Crl.O.P.(MD)No.9463 of 2024 and the same were dismissed by this Court on 03.06.2024 and 27.06.2024 respectively. Hence, the petitioner has moved this 3rd bail petition before this Court in Crl.O.P.(MD)No.18655 of 2024.

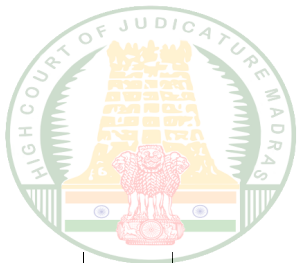
5. The earlier bail petitions filed were dismissed by this Court, considering the conduct of the petitioner in evading the trial and his antecedent. As per the report of the Inspector of Police, Pattukkottai, the petitioner is involved in the following cases:

Sl.No.	Police Station and Crime No.	Section of Law	Present Stage
1.	Pudukkottai District Pudukkottai Town Police Station Cr.No.403/2016	u/s.147, 148, 120(B), 302 IPC	Accused arrayed as A15. The case is pending for trial in PRC No.21/22 at the PT stage and the next hearing date is 02.12.2024.



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2.	Pattukkottai Police Station Cr.No.131/2016	Town	u/s.399 IPC	Accused arrayed as A1. NTF 14.07.16
3.	Pattukkottai Police Station Cr.No.159/2017	Town	u/s.294(b), 324, 506(ii) IPC	Under investigation
4.	Pattukkottai Police Station Cr.No.248/2017	Town	u/s.452, 147, 148, 294 (b), 324, 506(ii) and 307 IPC	Accused arrayed as A4. The case is pending for trial in PRC No.03/21 for committal on 16.04.2024.
5.	Pattukkottai Police Station Cr.No.135/2018	Town	u/s.341, 294(b), 323, 324 and 506(ii) IPC	Accused arrayed as A3 and pending trial CC-C2024 00379 NTF 26.05.2022
6.	Pattukkottai Police Station Cr.No.141/2018	Taulk	u/s.392 IPC r/w. 25(1-A) Indian arms Act	NTF
7.	Pattukkottai Police Station Cr.No.246/2018	Taluk	u/s.147, 148, 341, 324, 307, 302 IPC r/w. 3 of Explosives Substance Act 1908	Accused arrayed as A4 and pending in SC 36/20 in PT stage posted for framing of charges on 20.11.2024
8.	Pattukkottai Police Station Cr.No.428/2019	Town	u/s.8(C) r/w. 20(ii)(b) (C) NDPS Act	Accused arrayed as A4 and the case was not taken on file as on 27.05.2022
9.	Pattukkottai Police Station Cr.No.1691/2020	Town	u/s.25(1)(A) Arms Act	Accused arrayed as A7 and the charge sheet was filed in CC-C202400037 dated 08.01.2024 and case was not taken on file.
10.	Pattukkottai Police Station Cr.No.1907/2020	Town	u/s.147, 148, 294(b), 506(ii), 109 IPC and 25 (1)(A) Arms Act	Accused arrayed as A7 and the case is pending trial in PRC No.01/2022 posted for disposal on 10.05.2023 and committal on 14.06.2023.



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11.	Pattukkottai Police Station Cr.No.17/2021	Taluk	u/s.147, 148, 302 IPC @ 147, 148, 120(B), 302IPC r/w. Sections 25(1), 27(2) of Indian Arms Act	Accused arrayed as A1 and the case is pending trial in S.C.No.166 of 2024 and posted on 11.12.2024.
12.	SB Chathiram Cr.No.200/2022		u/s.392, 397, 506(ii) IPC r/w. Sections 25 (1A), 27(2) of Arms Act	Accused was arrayed as A1 and charge sheet has been filed in CC-C202400233 and not taken on file.
13.	Pattukkottai Police Station Cr.No.505/2022	Town	u/s.392, 397, 506(ii) IPC r/w. Sections 25 (1A), 27(2) of Arms Act and he was formally arrested on 25.02.2022	Accused was arrayed as A1 and is pending for investigation.
14.	Mayiladuthurai Police Station Cr.No.846/2022	Police	u/s.25(1)(b) Arms Act and Sections 3 and 5 IES Act and Sections 115, 120B, 147, 148, 294 (b), 307 and 353 IPC.	Accused was arrayed as A1 and is pending for investigation.
15.	Pattukkottai Police Station Cr.No.32/2023	Town	u/s.25(1A) Arms Act	Accused was arrayed as A1 and Charge sheet has been filed in PRC 202400091 and not taken on file.
16.	Pattukkottai Police Station Cr.No.312/2023	Police	u/s.25(1A) Arms Act	Accused was arrayed as A1 and charge sheet has been filed in PRC 202400166 and not taken on file.
17.	Pattukkottai Police Station Cr.No.404/2023	Town	u/s.452, 294(b), 323, 324, 506(2) IPC	Accused was arrayed as A4 and charge sheet has been filed and not taken on file.

6. In pending cases, three cases are relating to the offence under 302 IPC (murder cases), one case is relating to the offence under Section 307 IPC (attempt to murder), one case is relating to the offence under the Explosive Act, three cases are



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robbery cases, one case is relating to the offence under the provisions of NDPS Act cases and five cases are relating to the offence under Arms Act. All 17 cases are registered in between 2016 and 2023. Both these cases in Crime Nos.17 of 2021 and 248 of 2017 are still pending for committal in PRC No.24 of 2023 and PRC No.3 of 2021 respectively. During the committal period, the petitioner has evaded the trial and the police were able to secure the petitioner after several months. The fact remains that the committal proceedings are yet to be completed.

7. Considering the conduct of the petitioner in evading the trial, the stage of the cases and his antecedent, this Court is not inclined to entertain these petitions. Moreover, there is no change in circumstances in these cases, after the dismissal of the earlier petitions. Accordingly, both the Criminal Original Petitions are dismissed.

sd/-
29/11/2024

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/06/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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To

1.The Officer incharge, Sub Jail, Pudukkottai.



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2.The Inspector of Police,Pattukottai Town Police Station, Thanjavur District.

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

ORDER IN
CRL OP(MD) No.18653 of 2024
Date :29/11/2024

PP/05.06.2025 8P/4C

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