

In the Court of Vacation Sessions Judge, Kanniyakumari District at Nagercoil.

Present : Thiru B. Karthikeyan, B.L.,
Vacation Sessions Judge/Principal Sessions Judge,
Kanniyakumari at Nagercoil.

Thursday, the 16th day of May, 2024.

Crl.M.P. No.88/2024

(CNR.No.TNKK00-000024-2024)

Tamil Selvan @ Selvan @ Selvam

S/o. Chithambaram @ Devashas

..Petitioner

/Vs./

Inspector of Police,

Vadasery Police Station,

Crime No.311/1994 of Vadasery Police Station,

Rep. by P.P. Nagercoil.

.. Respondent

This petition is filed by Advocate Thiru V.E. John Vianney, u/s 439
Cr.P.C., praying to grant bail to the petitioner.

ORDER

Heard both sides. Perused the petition.

The petitioner/accused alleged to have been committed the offence u/s
147, 148, 341 and 302 r/w 149 of IPC.

The case of prosecution is that on 10.06.1994, the petitioner along with
seven others committed the murder of one Sahaya Babu. Hence the charge.

The learned counsel for the petitioner submitted that on 10.06.1994, the
respondent police registered a case against the petitioner and seven others on the

strength of the complaint given by one Raj and the respondent police investigated a case and laid a charge sheet against the petitioner and seven others in SC No.41/1999 and since the petitioner did not appear before the trial court, the trial court split him from that case and the said case was tried by the trial court against the other accused and they were acquitted and the case against the petitioner is pending as SC 403/2023 on the file of Principal Sessions Court, Nagercoil and on 17.10.2023, this petitioner was arrested by the respondent police and is in judicial custody from that date onwards and the trial of this case has not yet been commenced and the petitioner is ready to defend his case and the petitioner is ready to abide by any condition and prayed for bail to the petitioner.

The learned Public Prosecutor opposed the application and submitted that totally there are eight accused in this case and this petitioner is A6. Already this petitioner obtained bail by this court on 01.09.1994 in CrI.M.P.No. 2777/1994 and subsequently this petitioner did not appear before the Judicial Magistrate Court No.II, Nagercoil. So this case has been split up in PRC No.4/1999 and in respect of other accused, the case has been committed to this court and taken on file in SC No.41/1999 and the same was made over to the Additional District Judge cum Chief Judicial Magistrate Court, Nagercoil and the same was ended in acquittal. For the last 28 years Non Bailable Warrant was pending against this petitioner and the petitioner was arrested on 17.10.2023 in Kancheepuram District. Moreover, this case has been committed to this court and taken on file in SC No. 403/2023 pending before this

court and if the petitioner is released on bail definitely he will abscond and the petitioner has one more case in SC No.402/2023 in Crime No.74/1996 of Nesamony Nagar Police Station and it is also a murder case and he has serious objection to grant bail to the petitioner and the petition may be dismissed.

Considering the nature of the offence alleged to have been committed by the petitioner/Accused and also considering the objection of the learned Public Prosecutor that the case is of the year 1994 and the petitioner/accused is absconding for the last 28 years and he is also having a murder case in SC No.402/2023 and also considering the fact that for the last 28 years the petitioner/accused has not chosen to surrender before the court and he has been arrested only on 17.10.2023 and also considering the antecedents of the petitioner/accused, this court is not convinced that the present petitioner will be available for the trial in the event of release on bail, this court is not inclined to grant bail to the petitioner/Accused at this stage. Hence this petition is dismissed.

In the result, this petition is dismissed.

Pronounced by me in open court this the 16th day of May, 2024.

Vacation Sessions Judge.