

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Thirteenth day of November Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice P. N. PRAKASH

CRIMINAL ORIGINAL PETITION No.22111 of 2018

MURUGAN @ KATTAI MURUGAN

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY ITS,
THE INSPECTOR OF POLICE,
KUNDADAM POLICE STATION,
TIRUPUR DISTRICT
CR.NO.572 OF 2011.

[RESPONDENT]

For Petitioner : M/S.T.PADMANABHAN Advocate

For Respondent : M/S. KRITIKA KAMAL P, Govt. Advocate (Crl. Side)

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

This is the third bail petition. In the earlier bail petition in Crl.O.P.No.13924 of 2018, this Court has passed the following order :

"The petitioner, who was arrested and remanded to Judicial custody on 12.07.2015, for the alleged offences punishable under Section 120(b), 387, r/w.397 of IPC in Crime No.572 of 2011 on the file of the Inspector of Police, seeks bail.

2.The case of the prosecution is that the petitioner along with other accused had committed robbery.

3.Learned counsel for petitioner would contend that the petitioner has been suffering incarceration for the past 3 years and is ready to cooperate for trial. He would further contend that the case has been now transferred to Sub Judge, Dharapuram and even though a direction is given to the Principal Sessions Judge, Dharapuram, the trial has not yet commenced.

4.Learned Government Advocate (crl.side) contended that two of the accused are absconding, pursuant to which, Non Bailable Warrants are issued against them.

5.The petitioner though enlarged on bail, had jumped bail and the case is pending without any progress. Therefore, I am not inclined to enlarge the accused on bail. At this juncture, it is brought to my knowledge that two more accused are still absconding in this case. The learned Sub-Judge, Dharapuram is directed to take appropriate steps to secure the presence of the accused and in case, it is found that their presence cannot be secured, the case as against the accused, against whom NBWs are pending should be split up and proceed with the trial in accordance with law.

6.It is further directed that the Sub Judge, Dharapuram to conclude the trial within a period of three months from the date of receipt of a copy of this order and send a report to the High Court.

7.With the above directions, this Criminal Original Petition is disposed of."

2.Pursuant to the order dated 28.09.2018 in this case, the trial Judge has sent a report dated 09.10.2018, explaining the delay in completion of the case in S.C.No.86 of 2017. On a perusal of the report, it is seen that the learned Judge has taken steps to have the case as against the petitioner to split up, since two other accused in this case are in abscondence.

3.The fact remains that this petitioner was granted bail earlier and thereafter, during the pendency of the trial, he absconded and was rearrested by the Police on 31.08.2015 in execution of NBW. That apart, learned Government Advocate (Crl. Side) submitted that there are eight cases pending against this petitioner in various Courts of similar in nature.

4.Taking into consideration the antecedents of the petitioner and the fact that he had jumped bail once, this Court is of the view that this is not a fit case to grant bail to the petitioner and this petition is dismissed.

-sd/-
13/11/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
KUNDADAM POLICE STATION,
TIRUPUR DISTRICT

+1CC to M/S.T.PADMANABHAN Advocate on payment of necessary
charges SR NO.21393

CRL OP.22111/2018

Date :13/11/2018

MK:20/11/2018



WEB COPY