

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Eleventh day of April Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.1953 of 2019

(On the file of the P.R.C.No.22 of 2010 before the Judicial
Magistrate No.II, at Ponneri)

MOHAN

[PETITIONER / ACCUSED]

Vs

STATE REP BY

[RESPONDENT]

INSPECTOR OF POLICE,
E-5, SHOLAVARAM POLICE STATION,
THIRUVALLUR DISTRICT.
CRIME NO. 94 OF 2007.

For Petitioner : M/S.S.SHANTHA KUMAR Advocate

For Respondent : M/S M.MOHAMED RIYAZ, ADDITIONAL PUBLIC PROSECUTOR

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner/A7, who was arrested and remanded judicial custody on 19.11.2018 at the hands of the respondent police for the offence punishable under Sections 201 and 302 of IPC in Crime No.94 of 2007 on the file of the respondent police and in P.R.C.No.22 of 2010 on the file of the Judicial Magistrate-II, Ponneri, seeks bail.

2. It is the case of the prosecution that the petitioner and the other accused were arrested and remanded in judicial custody, subsequently released on bail. Due to non appearance of the accused, the P.R.C.No.15 of 2007 was split up and the case against the petitioner is numbered as P.R.C.No.22 of 2010. On execution of NBW, the petitioner was arrested and remanded on 19.11.2018.

3.The learned Counsel appearing for the petitioner would submit that the petitioner is not aware of the pendency of the case and he was not able to attend the Court. Hence, he sought for bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that the petitioner was secured by the respondent after much difficulty, after a period of eleven years and if the petitioner is released on bail, the petitioner will abscond and the case cannot be disposed of. Hence, he opposed for grant of bail to the petitioner. This is the second bail application of the petitioner.

5.Considering the facts and circumstances of the case and taking note of the fact that the petitioner is absconding for eleven long years and thereafter, secured by the respondent police and there is no change of circumstances arises, this Court is not inclined to grant bail to the petitioner.

6.Accordingly, this Criminal Original Petition is dismissed.

-sd/-

11/04/2019

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 JUDICIAL MAGISTRATE NO.II
PONNERI

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL,
CHENNAI

5 THE INSPECTOR OF POLICE,
E-5, SHOLAVARAM POLICE STATION,
THIRUVALLUR DISTRICT.

CC to M/S.S.SHANTHA KUMAR Advocate on payment of necessary charges

CRL OP.1953/2019

Date :11/04/2019

cm 22/04/2019