

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Tenth day of March Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL ORIGINAL PETITION No.4161 of 2020

IN

P.R.C.No.47 OF 2007

(On the file of the Learned Judicial Magistrate at Alandur, Chennai)

RANJITH @ RANJITH KUMAR

[PETITIONER / ACCUSED]

Vs

STATE REP BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
KANNGI NAGAR POLICE STATION,
CHENNAI

(CR. NO. 714/2007) PRC NO. 47/2007)

For Petitioner : M/S.D.BASKARAN Advocate

For Respondent : MR. K.PRABAKAR, ADDITIONAL PUBLIC PROSECUTOR

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 16.10.2019 for the offences punishable under Sections 341, 307 IPC r/w. 34 IPC in Crime No.714 of 2007 on the file of the respondent police in P.R.C.No.47 of 2007 on the file of the learned Judicial Magistrate, Alandur, Chennai, seeks bail.

2.It is a case of jumped bail. Initially, the petitioner was arrested and remanded to judicial custody. Subsequently, the petitioner was enlarged on bail. The petitioner is arrayed as the accused in P.R.C.No.47 of 2007.

3. The learned counsel for the petitioner would submit that Non Bailable Warrant has been issued on 16.08.2017. He would submit that the petitioner had been regularly appeared and that on 16.08.2017, the petitioner was unable to appear before the Court below due to communication gap and the petition under Section 317 Cr.P.C cannot be filed. The learned trial judge issued Non Bailable Warrant against him and thereafter, the petitioner was arrested on 16.10.2019 and remanded to custody and that he is in custody for more than 4 months and thereby he would seek bail.

4. The learned Additional Public Prosecutor would submit that the case is of the year 2007 and the respondent police have completed the investigation and filed the final report in PRC.No.47 of 2007. There are four accused in this case, in which, A1 is absconding, and A2 has passed away and A4 has been convicted for the offence under section 302 IPC in another case and he is being regularly produced before the Court below. Due to abscondence of this accused/petitioner, the Court was unable to commit the case to the Court of sessions. He would further submit that though the warrant has been issued on 16.08.2017 by the court, with much difficulty, Non Bailable Warrant was executed after two years on 16.10.2019. He would submit that the petitioner is involved in 8 other cases and that if the petitioner is granted bail there is possibility he may abscond again and the respondent may not able to proceed further with the trial. Hence, he opposed to grant bail to the petitioner.

5. This Court had called for a Report from the learned Judicial Magistrate-II, Alandur and the Report was received in Dis.No.167 of 2020 dated 09.03.2020, in which, it has been stated reads as follows:

"I humbly submit that the case was registered by the Inspector of Police, Kannagi Nagar Police Station in Crime No.714 of 2007 for the offences under section 341 & 307 r/w. 34 IPC against the accused 1.Ranjith, age 23, s/o. Soosai, 2. Sathyaraj, age 22, s/o.Babu, 3.Siva, age 20, s/o.Muthukrishnan, 4.Suresh @ Kozhi Suresh, age 19, s/o.Raji, and the case was taken on file as PRC.No.47 of 2007 on 18.12.2007 in the Court of Judicial Magistrate, Alandur.

I humbly submit that in this case on 06.03.2008 accused 1 to 4 were present, for preparing copies the case was posted to 15.04.2008. From the Non Bailable Warrant was ordered.

Further I humbly submit that from the hearing 21.05.2009 to 25.07.2013 some of the accused were present and some of the accused were absent. I further humbly submit that from the hearing 07.08.2013 to 10.09.2015 some of the accused were present and some of the accused were absent. On 23.09.2015 Death Certificate for A2 has been filed and recorded, charge against A2 abated, A1, A3 &A4 was absent Non Bailable Warrant was ordered. I further humbly submit that from 06.10.2015 to 06.08.2019 A3 present, Non Bailable Warrant against A1 and A4 were pending and the case was posted to 17.12.2019.

I further humbly submit that on 16.10.2019 A1 produced on execution of Non Bailable Warrant.

Accused stated that he was in out of station. Reason not satisfied. Case is related to the year 2007 and warrant is pending for more than 2 years, hence, bond forfeited. No fresh sureties given. Accused was remanded in judicial custody till 25.10.2019 and Non Bailable Warrant against A4 was pending and the case was posted to 25.10.2019.

I further humbly submit that from the hearing 25.10.2019 to 19.11.2019 A1 was produced through Video Conference, A3 was absent no presentation. Hence Non Bailable Warrant was ordered against A3 and the Non Bailable Warrant against A4 was pending.

Further I humbly submit that in this stage on 17.12.2019 as per proceeding of Hon'ble Chief Judicial Magistrate, Chengalpattu in D.No.1814 of 2019 dated 16.12.2019 and notification in D.No.1218 of 2019 in Dis. No. 1482 of 2018 this case was transferred to this Court on point of jurisdiction due to bifurcation.

I further submit that the above said case has been taken on file by this newly created Court (Judicial Magistrate-II, Alandur) as PRC.No.28 of 2020 on 21.02.2020 and the case was posted to 26.03.2020 for the appearance of the accused."

6. From the Report, it is seen that the petitioner has been absconding from 16.08.2017 and that petitioner is A1 in this case and he has been absconding from 16.08.2017 and that he has been arrested pursuant to Non Bailable Warrant and produced before the Court on 16.10.2019. The case has been now taken up in Judicial Magistrate-II, Alandur as PRC.No.28 of 2020, and due to the abscondence of the accused, the Court is unable to commit the case.

7. The respondent is directed to take steps to arrest the absconding accused and produce him before the Court on or before 26.03.2020. If the absconding accused is unable to be secured, the learned Magistrate shall take steps to split up the case against the accused persons who are now available and commit the case at the earliest.

8. Taking into consideration, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

-sd/-

10/03/2020

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,
ALANDUR, CHENNAI.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KANNGI NAGAR POLICE STATION,
CHENNAI

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI,
CHENNAI-66.

CC to M/S.D.BASKARAN Advocate on payment of necessary charges
sr.4739

CRL OP.4161/2020

Date :10/03/2020

RVR 20/03/2020

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