

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.06.2020

CORAM:

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.5236 of 2020

Venkatesan

... Petitioner

Vs.

State Rep. by
Inspector of Police
Vennandur Police Station
Cr.No.129/2013

... Respondent

PRAYER: This Criminal Original Petition filed under section 439 of Cr.P.C., seeking to enlarge the petitioner on bail in Crime No.129 of 2013 on the file of the respondent police.

For Petitioner : Mr.S.Parthasarathy
For Respondent : Mr.K.Prabakar
Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 25.03.2019 for the offences punishable under **Sections 147, 148, 341, 302 r/w. 120(b) IPC in Crime No.129 of 2013** on the file of the respondent police, seeks bail.

2. The learned Counsel for the petitioner would submit that the petitioner was arrested in pursuant to the Non bailable warrant issued on 20.02.2019 and he is in judicial custody from 12.04.2019. The learned counsel would further submit that he was regularly appearing before the Court all along and that on 20.02.2019 the petitioner was unable to appear before the Court due to illness and the trial judge has issued non-bailable warrant of arrest, pursuant to which he was arrested. He would further submit that the petitioner undertakes to appear regularly before the Court.

3. The learned Additional Public Prosecutor would submit that it is a case of the year 2013 and it is pending Trial in S.C.No.32 of 2015, before the Additional District and Sessions Court, Namakkal. He would further submit that the petitioner is very irregular in attending the Court. Earlier NBW was issued on 29.09.2018 and it was executed on 23.10.2018, thereafter, he was released on bail on 11.01.2019. Thereafter, since he did not appear before the Court, subsequent NBW was issued on 20.02.2019 and with great difficulty it was executed on 12.04.2019. He would further submit that the petitioner

No.187 of 2019, registered for the offence under Sections 341, 392, 397 IPC.

4.The learned Additional Public Prosecutor would further submit that apart from the present case, the petitioner is also involved in 7 previous cases, registered by the Vennandur Police Station. He further submitted that the Trial is going on in S.C.No.32 of 2015 and so far out of 41 witnesses, 21 witnesses have been examined. The case now stands posted on 03.07.2020 for the examination of LW 24, 26 and 27. He further submitted that if the petitioner is released on bail, there is a possibility absconding and there is a chance of the Trial being derailed, Hence, he strongly oppose for the grant of bail.

5.Heard both sides.

6.Taking into consideration of the facts of the case and also considering that it is the second NBW issued against the petitioner and the case stands posted for examination of LW 24, 26 & 27 and the case is pending from the year 2013 and further taking into consideration the antecedents, this Court is not inclined to grant bail to the petitioner.

7.This Criminal Original Petition stands dismissed for the present.

-sd/-

22/06/2020

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 ADDITIONAL DISTRICT AND
SESSIONS JUDGE, NAMAKKAL.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
VENNANDUR POLICE STATION.

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

CRL OP.5236/2020

Date :22/06/2020