

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :04.05.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No.7395of 2020

1.Yuvaraj
2.Eswaran

... Petitioners

Vs.

State Rep. By

.... Respondent

The Inspector of Police,
E-6 Thiruporur Police Station,
Kancheepuram.
Cr. No.561 of 2017.

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioners on bail pending investigation in Crime No.561 of 2017 on the file of the respondent police.

For Petitioners : Mr.C.Bala Subramaniam

For Respondent : Mr.M.Mohammed Riyaz

Additional Public Prosecutor

सत्यमेव जयते

ORDER

The petitioners who were produced before the Judicial Magistrate Court-I, Chengalpattu, through P.T (Prisoners Transit) warrant on 23.01.2020 in P.R.C.No.15 of 2018 for the offence punishable under Sections 147, 148, 114, 302, 34, 149 IPC in Crime No.561 of 2017 on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 01.12.2017, five unknown persons conspired together and acted in common intention to murder the deceased.

3. The learned counsel appearing for the petitioners would submit that the petitioners are arrayed as A6 and A7. They have been implicated as an accused only on the confession statement of the co-accused in the above crime. Further the petitioners are granted bail during the month of August 2018 and also facing trial in S.C.No.166 of 2016 on the file of the IV Additional Session Court, Chennai. Therefore they have surrendered before the concerned Court in S.C.No.166 of 2016 on 16.08.2019. Thereafter they have been remanded to judicial custody and then for want of this case, petitioners were produced before the Judicial Magistrate - I, Chengalpattu based on P.T. warrant issued by the said Court on 23.01.2020, the petitioners were again remanded to judicial custody on 23.01.2020. Further the learned counsel for the petitioners would submit that the petitioners never jumped out of bail and even from the prison they were regularly appearing before the concerned Court.

4. The learned Additional Public Prosecutor submitted that the petitioners were granted bail in S.C.No.166 of 2016 and it is pending in the stage of committal on the file of the IV Additional Session Court, Chennai and further NBW was issued against the petitioners in P.R.C.No.15 of 2018 on the file of the Judicial Magistrate - I, Chengalpattu in Crime No.561 of 2017. Therefore he vehemently opposed to grant bail to the petitioners.

5. It is seen that the petitioners are arrayed as A6 and A7 in Crime No.561 of 2017, registered for the offence punishable under Sections 147, 148, 114, 302, 34, 149 IPC. Though they were granted bail during the month of August 2018, they disappeared and also involved in another case and in which the trial Court has issued NBW against the petitioners. Thereafter, they themselves surrendered before the IV Additional Session Court, Chennai for the S.C.No.166 of 2016 on 16.08.2019. Further, some of the co-accused are still absconding and as such pending for committal, at this stage, if the petitioners are released on bail, there is a chance of absconding and as such this Court is not inclined to enlarge the petitioners on bail.

Hence, the Criminal Original Petition stands dismissed.

WEB COPY

-sd/-

04/05/2020

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

TRUE COPY

TO

1 THE IV ADDITIONAL SESSION COURT,
CHENNAI.

2 THE JUDICIAL MAGISTRATE,
NO.1, CHENGALPATTU.

3 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
E-6 THIRUPORUR POLICE STATION,
KANCHEEPURAM.

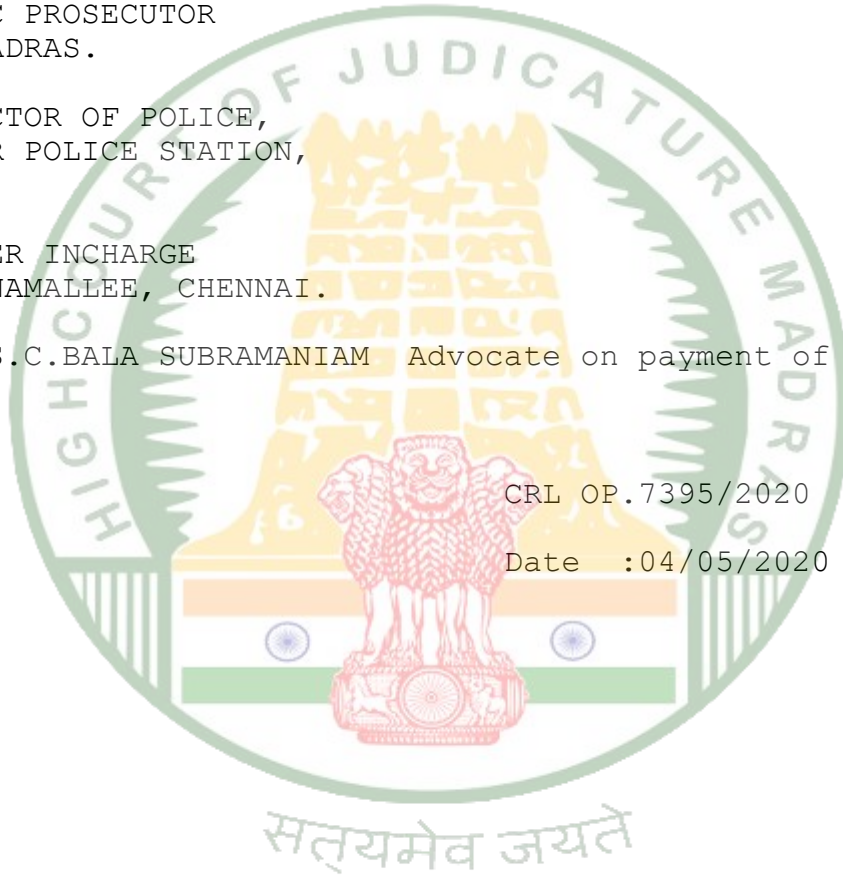
6 THE OFFICER INCHARGE
SUB JAIL, POONAMALLEE, CHENNAI.

CC to M/S.C.BALA SUBRAMANIAM Advocate on payment of necessary
charges

CRL OP.7395/2020

Date :04/05/2020

TA-01/07/2020



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