

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.05.2020

CORAM

THE HONOURABLE MR.JUSTICE. G.K.ILANTHIRAIYAN

CrI.O.P.No.7478 of 2020

V.Nagaraj

... Petitioner

Vs.

The State of TamilNadu

rep by the Inspector of Police,
Erode Town Police Station,
Erode-District.

...Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C, to enlarge the petitioner on bail concerned in Crime No.1294 of 2012 on the file of the respondent police.

For Petitioner : Mr.Deepan Uday

For Respondent : Mr.Mohammed Riyaz
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 17.10.2019 for the offences punishable under Sections 354 and 380 of IPC in Crime No.1294 of 2012 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner broke open the door of the defacto complainant's house and stolen the properties. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner was detained under Act 14 and subsequently it was revoked by the advisory board on 16.12.2019. He had no knowledge about the present case and when he was in prison, he was produced on PT warrant in CC. No. 42 of 2013 pending on the file of the Judicial Magistrate-II, Erode. Further he submitted that the petitioner has been suffering incarceration imprisonment from 17.10.2019. Hence, he seeks bail for the petitioner.

4. The learned Additional Public Prosecutor submitted that the petitioner is an habitual offender and he was absconding for the past several years. The crime is of the year 2012 and as such, the charge sheet was filed and same was taken cognizance in CC.No.42 of 2013 on the file of the Judicial Magistrate-II, Erode. The petitioner was arrested in connection with some other case and he was produced on PT warrant in the above case. Only because of his absence, the entire

trial has been stalled and it is still pending. Hence he vehemently opposed to grant bail to the petitioner

5. Considering the above nature of allegation and the fact that because of the absence of the petitioner, this trial is pending from the year 2013 and that he was produced on PT Warrant in the above case. Though, his detention order was set aside, if he is left out on bail, the entire trial would be stalled. Therefore, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

-sd/-

08/05/2020

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,
NO.II, ERODE.

2 THE PRINCIPAL DISTRICT AND
SESSIONS JUDGE, ERODE DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTORE OF POLICE,
ERODE TOWN POLICE STATION,
ERODE DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL JAIL, COIMBATORE.

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

CRL OP.7478/2020

Date :08/05/2020

RVR 24/06/2020