

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.05.2020

CORAM

THE HONOURABLE MR.JUSTICE. G.K.ILANTHIRAIYAN

CrI.O.P.No.7601 of 2020

1.Perumal

2.Kalaiyammal

.... Petitioners/A1 & A2

Vs.

The State by,

Station House Officer,

Yelagiri Police Station,

Thirupattur District.

Crime No.79 of 2013

....Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C, to enlarge the petitioner on bail in Crime No.79 of 2013 pending on the file of the Station House Officer, Yelagiri Police Station, Thirupattur District.

For Petitioners : Mr.J.Milton Arul Rajendran

For Respondent : Mr.Mohammed Riyaz

Additional Public Prosecutor

ORDER

सत्यमेव जयते

The petitioners, who were arrested and remanded to judicial custody on 07.11.2019 for the offences punishable under Sections 364 and 302 of IPC r/w, Section 109 and 120(B) of IPC in Crime No.79 of 2013 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioners A1 and A2 conspired together to commit the commission of offence of kidnapping and murdering the deceased. Both the petitioners were already granted bail in Crime No.79 of 2013. Thereafter, they jumped out of bail never turn to the trial Court for investigation. Hence, NBW was issued on 07.07.2015 by the trial Court and executed on 07.11.2019. In fact, already the petitioners filed bail petition in CrI.O.P.No.33749 of 2019 and the same was dismissed by this Court on 18.12.2019.

3. The learned counsel appearing for the petitioner would submit that the petitioners were originally granted bail in this case and they could not able to attend the trial Court and as such NBW was issued against the petitioners and execution of NBW is incarceration imprisonment from 07.11.2019. Therefore, he sought for grant of bail to the petitioners.

4. The learned Additional Public Prosecutor submitted that only after their arrest now the case has been committed before the Sessions Court and the same has been taken cognizance in SC.No.10 of 2020 on the file of the learned III Additional District and Sessions Judge, Vellore, Thirupattur. If the petitioners left out on bail, again they will abscond and the entire trial process will be spoiled. Therefore, he vehemently opposed for grant of bail to the petitioner.

5. It is seen that the petitioners are arrayed as A1 and A2 and they involved in the case under Section 302 registered in Cr.No.79 of 2013, after filing charge sheet pending committal, the petitioners absconded and as such the NBW was issued on 07.07.2015. After only four years the petitioners were arrested and remanded to judicial custody on 07.11.2019. After their arrest pending committal proceedings was over and the same has been taken cognizance in S.C.No.10 of 2020 on the file of the learned III Additional District and Sessions Judge, Vellore, Thirupattur and it is pending for trial. At this stage, the petitioners released on bail again they drew away from the trial. Therefore, this Court is not inclined to grant bail to the petitioners.

6. Accordingly, this Criminal Original petition is dismissed.

-sd/-

15/05/2020

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.III, TIRUPATTUR.

2 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

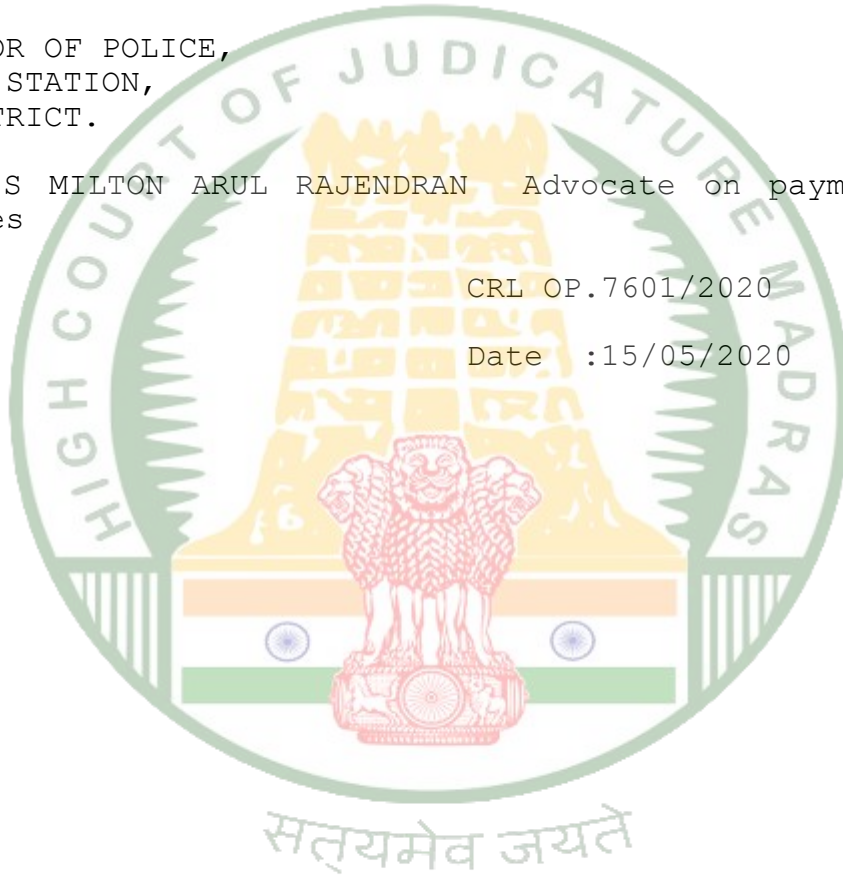
4 THE INSPECTOR OF POLICE,
YELAGIRI POLICE STATION,
THIRUPATTUR DISTRICT.

CC to M/S MILTON ARUL RAJENDRAN Advocate on payment of
necessary charges

CRL OP.7601/2020

Date :15/05/2020

MK:13/07/2020



WEB COPY