

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.06.2020

CORAM:

THE HONOURABLE MR.JUSTICE **M.NIRMAL KUMAR**

CRL.O.P.No.7810 of 2020

Vellaiyan,
S/o.Late Kannan.

... Petitioner

Vs.

State rep. by
Inspector of Police,
Jedarpalam Police Station,
Namakkal District.
Crime No.289 of 2012

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
praying, to enlarge the petitioner /accused on bail and release him from
the custody in Crime No.289 of 2012 pending on the file of the
respondent police.

For Petitioner : Mr.S.Aravind Raj

For Respondent : Mr.S.Karthikeyan,
Additional Public Prosecutor

ORDER

The case of the prosecution is that the petitioner was arrested
and remanded to judicial custody on 02.03.2020 in connection with

Crime No.289 of 2012 and therefore, charge sheet came to be filed in S.C.No.27 of 2018 for the offences punishable under Sections 366(A) and 376(i) of IPC. Hence, the present petition has been filed.

2.According to the learned counsel for the petitioner, the petitioner has been regularly appearing before the trial Court and he was participating in the trial. On 11.02.2019, the petitioner was unable to attend the trial court due to sudden illness and he has not informed his counsel also. Therefore, the trial Court issued non-bailable warrant against the petitioner. Based on the non-bailable warrant, the petitioner was arrested on 02.03.2020. The learned counsel further submitted that the non-appearance of the petitioner before the trial Court is neither wilful nor wanton and therefore he seeks bail to the petitioner.

3.The learned Additional Public Prosecutor opposed bail application stating that the trial in this case is almost completed and the case is posted for defence witnesses, if any to be examined. At this stage, the petitioner has absented himself. Neither the petitioner nor the counsel for the petitioner appeared and hence the trial Court issued NBW

on 11.02.2019, nearly after 13 months and the petitioner was taken into custody with great difficulty. He further submitted that if the petitioner is let out on bail, he would abscond and the trial in S.C.No.27 of 2018 would get stalled and vehemently opposed for grant of bail to the petitioner.

4. It is seen that the trial in S.C.No.27 of 2018 itself is completed and posted for defence witnesses. During that time, the petitioner has absented himself and hence NBW was issued. Thereafter, nearly after 13 months, the petitioner was arrested and remanded to judicial custody. It is also the apprehension of the prosecution that if the petitioner is let out on bail at this stage, it would definitely stall the trial. In view of the above, this Court is not inclined to grant bail to the petitioner.

5. Accordingly, this Criminal Original Petition is dismissed.

11.06.2020

Internet : Yes / No
rm

M.NIRMAL KUMAR, J.

rm

To

1. The Sessions Judge,
Fast Track Mahila Court,
Namakkal.
2. The Superintendent,
Central Prison,
Salem.
3. The Inspector of Police,
Thiruthuraipoondi Police Station,
Thiruvarur District.
4. The Public Prosecutor,
High Court, Madras.

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सत्यमेव जयते

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