

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.06.2020

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.8491 of 2020

1. YUVARAJ

2. ESWARAN

... Petitioners

Vs.

STATE REP BY

THE INSPECTOR OF POLICE,

E-6, THIRUPORUR POLICE STATION,

KANCHEEPURAM,

CRIME NO. 561 OF 2017

... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioners on bail in P.R.C No. 15 of 2018 pending trial committal stage on the file of the Judicial Magistrate Court - I, Chengalpattu in Crime No. 561 of 2017 on the file of respondent police.

For Petitioners : Mr.R.C.Paul Kanagaraj

For Respondent : Mr.S.Karthikeyan

Additional Public Prosecutor

O R D E R

The petitioners/A5 & A6, who were arrested and remanded to judicial custody on 23.01.2020 for the offence punishable under Sections u/s. 147, 148, 114, 302, 34, 149 IPC in in P.R.C.No.15 of 2018 on the file of the JUDICIAL MAGISTRATE COURT-I, CHENGALPATTU in Crime No. 561 of 2017 on the file of the respondent police, seeks bail.

2.It is a case of jumped bail. The learned counsel for the petitioners would submit that the petitioners who are facing two criminal cases in S.C.No.166 of 2016 pending on the file of the 4th Additional Sessions Court, Chennai and another in PRC.No.15 of 2018 pending on the file of Judicial Magistrate-I, Chengalpet. In both the cases, the petitioners were initially granted bail and regularly appearing before the Court below. While so, for non appearance of the petitioner in SC.No.166 of 2016, NBW was issued and the petitioners were taken into custody on 16.08.2019. While the petitioners were in custody in SC.No.166 of 2016, on 03.09.2019 NBW was issued in PRC.No.15 of 2018 and the petitioners were produced through PT Warrant in PRC.No.15 of 2018 on 23.01.2020. He further submitted that the case against the petitioners in SC.No.166 of 2016 ended in

acquittal on 31.01.2020. Hence, the petitioners who have remanded in this case under PT Warrant due to the confinement in SC No.166 of 2016 which is no more exist, sought this Court to grant bail to them.

3.The learned Additional Public Prosecutor would submit that both the petitioners are notorious criminals and they are having several cases against them. As far as the 1st petitioner is concerned, in Tondiarpet Police Station, he has got 5 cases in Crime Nos.1466/2012, 185/2014, 347/2014, 373/2014 and 357/2016 and in Muthiayalpet Police Station, he has got a case in Crime No.1728 of 2014 and in Aktharapuram Police Station in Crime No.5114 of 2014 as regards the 2nd petitioner/Eswaran, Viyasarpadi police limit, he has got two cases in Crime No.427/19 and 511/2019 in R.K.Nagar Police Station he has got a case in Crime No,882/2017 and in Kothavalchavadi Police Station in Crime No. 1326/2017 and Sonarpet Police Crime No.768 of 2015 and all the cases against the petitioners are of heinous offences. If the petitioners are let out on bail, the committal proceedings in PRC No.15/18 could be further delayed as there are totally 11 accused in this case. Though, the PRC is of the year 2018, till date the case could not be committed before the Court of sessions due to regular absence of one or the other accused in a planned manner and successfully stalled the case. He submitted that the petitioner moved Crl.O.P.No.7395 of 2020 which was dismissed on 04.05.2020 and there is no change in circumstances to entertain this petition and strongly opposed the bail application.

4.Considering the submissions and materials produced and also considering the antecedents of the petitioners and their involvement in various cases, this Court is not inclined to grant bail.

5.At this stage, the learned counsel for the petitioners submits that except for this case, the petitioners were granted bail in all the other cases. Keeping in confinement, the petitioners on the ground of pending cases would not arise. Only if the petitioners are let out on bail, they can effectively instruct their counsel and defend their case which is a statutory right and which cannot be denied to the petitioners.

6.In view of the above, the bail petition of the petitioners to be considered after completion of committal proceedings. With the above observations, this petition is dismissed.

-sd/-

11/06/2020

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

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, CHENGALPATTU

2 THE OFFICER INCHARGE
SPECIAL SUB-JAIL, POONAMALLEE
CHENNAI

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
E-6, THIRUPPUR POLICE STATION,
KANCHEEPURAM.

CC to M/S.R.C.PAUL KANAGARAJ Advocate on payment of necessary
charges

RD 16/09/2020



CRL OP.8491/2020

Date :11/06/2020

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