

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.07.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D. JAGADISH CHANDIRA

Crl. O.P. No. 9852 of 2020

Gopi @ Karuna

... Petitioner

-vs-

State represented by
The Inspector of Police,
Valasaravakkam Police Station,
Thiruvallur District.

... Respondent

PRAYER:- Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in S.C. No. 63 of 2006 on the file of the Additional District Sessions Court-II at Poonamallee, Thiruvallur District on such terms and conditions as this Court may deem fit and proper.

For Petitioner : M/s. M. Sathyasai Eswari

For Respondent : Mr. K. Prabakar
Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The Petitioner was arrested on 09.07.2019 pursuant to the warrant issued by the learned Trial Judge, viz., Additional District Sessions Judge, Additional District Sessions Court II, Poonamallee, Thiruvallur District, in S.C. No. 63 of 2006 on 23.03.2018.

2.The learned Counsel for the Petitioner would submit that the Petitioner was regularly appearing before the Trial Court and on 23.03.2018, he was unable to appear before the Trial Court due to his illness and so, the learned Trial Judge issued warrant and the Petitioner was arrested on 09.07.2019. She would further submit that the Petitioner was inside the jail for more than 350 days. Hence, she prays for grant of bail.

3.The learned Additional Public Prosecutor would submit that the case is of the year 2006 and the Petitioner is the sole accused. He would further submit that in order to avoid his identification, earlier the Petitioner had absconded during the year 2006 and with very great difficulty, NBW was issued and he was secured. He would further submit that thereafter, when the trial was going on, the Petitioner had once again absconded on 23.03.2018 and the Trial

Judge had issued warrant and the same was executed on 09.07.2019 after one year and four months. He would further submit that if bail is granted at this stage, there is every chance of the accused absconding and derailing the progress of trial, and objected for grant of bail.

4.Taking into consideration of the facts and circumstances of this case and the submissions made by the learned Counsel, this Court is not inclined to grant bail. Hence, this Criminal Original Petition is dismissed.

5.Since the learned Counsel for the Petitioner submitted that a direction may be issued to the Additional District Sessions Judge to complete the trial, the Additional District Sessions Judge is directed to complete the trial in S.C. No. 63 of 2006 preferably within a period of six months from the date of receipt of a copy of this order.

-sd/-

01/07/2020

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 ADDITIONAL DISTRICT SESSIONS COURT-II, POONAMALLEE

2 THE SUPERINTENDENT,
CENTRAL PRISON, -II, PUZHAL, CHENNAI

3 THE ADDL.PUBLIC PROSECUTOR, MADRAS HIGH COURT, CHENNAI-600 104.

4 THE INSPECTOR OF POLICE,
VALASARAVAKKAM POLICE STATION,
THIRUVALLUR DISTRICT

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

CRL OP.9852/2020

Date :01/07/2020

RD 17/08/2020