

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.07.2020

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.9954 of 2020

Kiran @ Kiran Kumar

.. Petitioner

Vs.

State, rep. by

The Inspector of Police,

Denkanikottai Police Station

Krishnagiri District

(Crime No.50 of 2008)

..Respondent

Prayer: Criminal Original Petition filed under Section 439 of Criminal Procedure Code, praying to grant bail to the petitioner pending trial in P.R.C No.20 of 2010 on the file of the Judicial Magistrate, Denkanikottai.

For Petitioner : Mr. M.Jayachandran

For Respondent : Mr.K.Prabakar

Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 15.06.2020 pursuant to the NBW issued by the Judicial Magistrate, Denkanikottai in P.R.C No.20 of 2010, for the alleged offences under Sections 395 r/w 394, 109 of IPC in Crime No.50 of 2008 on the file of the respondent police, seeks bail.

2. The petitioner was arrested and remanded to judicial custody on 15.06.2020 pursuant to the NBW issued by the Judicial Magistrate, Denkanikottai in P.R.C No.20 of 2010 on 15.06.2020.

3. The case of the prosecution is that on 14.03.2008, the petitioner and other six accused wrongfully restrained the Milk van of Hustons Diary Company and by threatening the driver, they together robbed a cell phone and cash from him.

4. The learned counsel for the petitioner would submit that the petitioner was not aware of the case pending against him and he was arrested based on the NBW issued on 15.06.2020. Hence, he prays for grant of bail to the petitioner.

5. The learned Additional Public Prosecutor would submit that this case is of the year 2008. He would further submit that all the accused were arrested and the petitioner was absconding since 2010. He would further submit that all the other accused have been regularly appearing before the trial Court and only because of the petitioner, the Committal Court was unable to commit the case to the Court of Sessions. He would further submit that if the petitioner is let out on bail, it is very difficult for the trial Court to commit the case to the Court of Sessions and there is every possibility that the petitioner will abscond and the prosecution will face difficulty to complete the trial.

6. Taking into consideration the facts and circumstances of the case and taking note of the fact that this case is of the year 2008 and final report has been filed and from the year 2010, the case is pending for committal in P.R.C No.20 of 2010 and that the petitioner has been arrested after 10 years, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, this Criminal Original Petition is dismissed.

-sd/-

02/07/2020

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 PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

2 INSPECTOR OF POLICE,
DENKAIKOTTAI POLICE STATION, KRISHNAGIRI
DISTRICT.

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

CRL OP.9954/2020

Date :02/07/2020

GKS (RD) :04/08/2020