

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.07.2020

CORAM :

THE HON'BLE Mr.JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.10056 of 2020

Sakthivel

... Petitioner

Vs.

State rep. by

.... Respondent

The Inspector of Police,
Edappady Police Station,
Edappady, Salem District.

Prayer: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code, to enlarge the petitioner on bail pending investigation in Crime No.141 of 2015 on the file of the respondent police.

For Petitioner : Mr.M.Saravanakumar

For Respondent : Mr.T.Shanmugarajeswaran,
Government Advocate (CrI. Side)

ORDER

(The case has been heard through video conference)

The Petitioner, who was arrested on 01.10.2019, pursuant to a warrant issued by the Mahila Court, Salem in Spl.SC.No.32 of 2015, seeks bail.

2.The learned counsel for the Petitioner would submit that the petitioner was arrested on 01.10.2019 and he is custody for the past 9 months.

3.The learned Government Advocate (CrI. Side) appearing for the respondent would submit that the petitioner is the sole accused in Spl.SC.No.32 of 2015. He would submit that there are totally 23

witnesses in this case and the private witnesses have been examined in chief. He would submit that the petitioner, at the fag end of the trial, has filed a petition to recall the witnesses and thereafter, he did not take further steps to examine them. While so, on 13.07.2017, the petitioner did not appear before the Court and thereafter, the trial Court issued Non Bailable Warrant of arrest, pursuant to which, the petitioner was arrested after 2 years and 3 months at Karnataka. The petitioner willfully absented himself, being well aware of the stage of the trial and after issuance of warrant, he has absconded. He would further submit that only the I.Os have to be examined in this case and the case stands posted for trial on 20.07.2020. At this stage, if bail is granted to the petitioner, he will abscond once again and it will derail the progress of trial.

4. Heard both sides. Perused the entire materials available on records.

5. It is the case of the year 2015. The case has been taken up for trial in Special SC.No.32 of 2015. After most of the witnesses have been examined, the petitioner has filed a petition to recall the witnesses and without taking further steps, has absconded. Further, he had been arrested after 2 years 3 months of issuance of NBW. This Court is of the opinion that if bail is granted at this stage, there is every possibility for the petitioner to abscond once again which will gravely prejudice the prosecution.

6. In view of the above, this Court is not inclined to grant bail to the petitioner. This Criminal Original Petition is dismissed.

-sd/-

08/07/2020

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

WEB COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE SESSIONS JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES UNDER POCSO ACT,
SALEM

2 THE INSPECTOR OF POLICE
EDAPPADY POLICE STATION,
EDAPPADY, SALEM DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

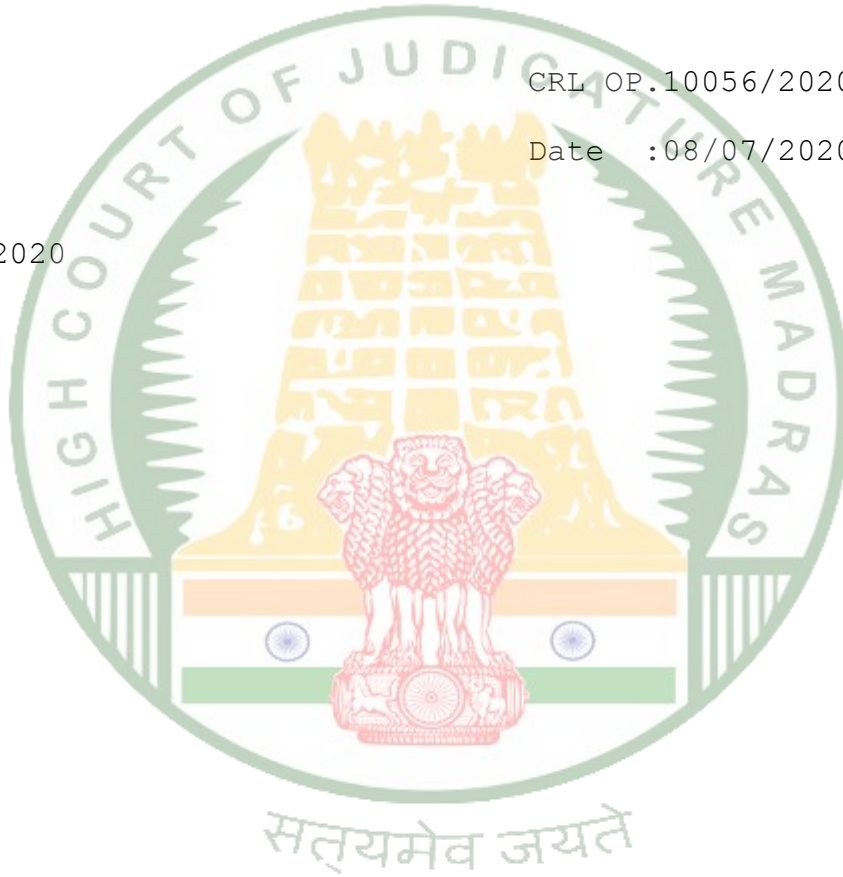
4 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM

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

CRL OP.10056/2020

Date :08/07/2020

MN-CS-07/08/2020



WEB COPY