

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.07.2020

CORAM :

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

Crl.O.P.No.11049 of 2020

A.Hanifa @ Babu

... Petitioner

Vs.

State Rep. by
The Inspector of Police
Karungalpalayam Police Station
Erode
Erode District
(Crime No.164/2013)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in S.C.No.126 2018 on the file of the learned I Additional District and Sessions Judge, Erode in Crime No.164 of 2013 on the file of the Respondent.

For Petitioner : Mr.C.S.Saravanan

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 16.03.2020 for the offences punishable under Section 294(b), 307, 364, 342, 302 r/w 32 and 201 IPC, in Crime No.164 of 2013 on the file of the respondent police, seeks bail.

2.The learned Government Advocate (Crl. Side) would submit that it is a case of jumped bail. The petitioner has failed to appear before the Trial Court on 19.12.2019, hence, the learned I Additional District and Sessions Judge, Erode, issued a Non Bailable Warrant (NBW) against the petitioner. Based on the NBW, the petitioner was arrested on 16.03.2020.

3.The learned counsel appearing for the petitioner would submit that due to illness the petitioner was not able to appear before the Trial Judge on 19.12.2019, thereby, NBW has been issued against the petitioner and he was remanded to judicial custody on 16.03.2020. He would further submit that the petitioner has also been involved in another case, where the petitioner is a victim. The petitioner was not able to appear before the Court as he is in judicial custody, accordingly, seeks bail.

4.At this juncture, learned Government Advocate (Crl. Side) would submit that there are 4 accused in this case. A3 is dead, charge against him is abated. While so, the petitioner / A2 and A4 did not appear before the Court on the date when the case was fixed for framing charges. Thereby, the Trial Judge, issued NBW on 19.12.2019 and the respondent police could secure the petitioner only on 16.03.2020 with great difficulty. The trial judge has also issued NBW to the 4th accused and he was secured very recently. He would further submit that the case is of the year 2018 and the petitioner has been absenting himself and the other accused A4 has also absconded one after other, preventing framing of charges and delaying trial. He would further submit that A1 has been regularly appearing before the Court. If the petitioner is granted bail, there are every chance of the petitioner getting absconded and it would cause great difficulty for the Trial Judge to frame charges. Hence, he vehemently opposes for the grant of bail to the petitioner.

5.Taking into consideration of the facts and circumstances and also submissions made by the learned Government Advocate (Crl. Side), this Court is not inclined to grant bail to the petitioner.

6.In the result, this Criminal Original Petition stands dismissed. The petitioner is granted liberty to renew the bail application after framing of charges.

-sd/-

27/07/2020

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 SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
KARUNGALPALAYAM POLICE STATION,
ERODE, ERODE DISTRICT.

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

CRL OP.11049/2020

Date :27/07/2020

MK:25/08/2020



WEB COPY