

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.08.2020

CORAM :

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

Crl.O.P.No.11312 of 2020

Kiran @ Kirankumar

... Petitioner

Vs.

The State Represented by,
The Inspector of Police,
Denkanikottai Police Station,
Krishnagiri District.
(Crime No.50 of 2008)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in P.R.C. No.20 of 2010, pending committal on the file of the learned Judicial Magistrate, Denkanikottai, Krishnagiri District.

For Petitioner : Mr. E. Kannadasan

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 15.06.2020 for the offences punishable under Sections 395 read with 394 and 109 IPC, in Crime No.50 of 2008 in PRC.No.20 of 2010 on the file of the respondent police, seeks bail.

2. It is a case of jumped bail. The learned counsel appearing for the petitioner on the previous hearing submitted that the petitioner was not aware of the case and that an absconding charge sheet was filed against him and only after, he was arrested he came to know about the pendency of this case.

3. This Court based on the submission made by the learned counsel for the petitioner called for a report from the learned Judicial Magistrate, Denkanikottai. A report has been obtained from the learned District Munsif cum Judicial Magistrate, Denkanikottai, wherein it has been stated that the petitioner had earlier obtained anticipatory bail from the Hon'ble Vacation Sessions Judge, Krishnagiri in Crl.M.P.No.105 of 2017 dated 24.05.2017 and thereafter, he did not

surrender, not produced any sureties as per the order before the concerned Court within the prescribed time. Later, the petitioner has also approached this Hon'ble Court in CrI.O.P.No.24344 of 2018 for extension of time and it was granted by order dated 12.10.2018 and even then the petitioner did not surrender and did not produce any sureties before the District Munsif cum Judicial magistrate Court, Denkanikottai. Thereafter, the Non bailable warrant was issued against the petitioner and he was arrested on 15.06.2020. Hence he prays for grant of bail to the petitioner.

4. The learned Government Advocate (CrI. Side) would submit that the petitioner had approached the Sessions Court, Denkanikottai and he was granted bail whereas he did not surrender before the Court and thereafter he filed a petition for extension of time before this Court and he did not comply with that order also. Thereby, the petitioner was arrested pursuant to the Non Bailable Warrant issued by the learned District Munsif Cum Judicial Magistrate, Denkanikottai on 15.06.2020. He would further submit that the P.R.C is of the year 2010 and the Crime Number is of the year 2008 registered for the offence under Section 395 read with 394 IPC, due to the absconding of the petitioner, the Committal Court was unable to commit the case to the Court of Sessions. Further he would submit that with a very great difficulty, the petitioner had been secured only during the Month of June 2020 and if the petitioner is granted bail he will abscond once again and thereby delaying the process of committal and trial. Hence he opposed to grant bail to the petitioner.

5. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel and that the case is of the year 2008 and the petitioner despite having been granted anticipatory bail had been absconding and that he had been arrested pursuant to the Non Bailable Warrant and thereby this Court is not inclined to grant bail to the petitioner.

6. Accordingly, this Criminal Original Petition is dismissed for the present.

-sd/-
17/08/2020

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 JUDICIAL MAGISTRATE,
DENKANIKOTTAI,
KRISHNAGIRI DISTRICT.

2 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE,
DENKANIKOTTAI,
KRISHNAGIRI DISTRICT.

3 THE OFFICER INCHARGE
SUB JAIL, HOSUR.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

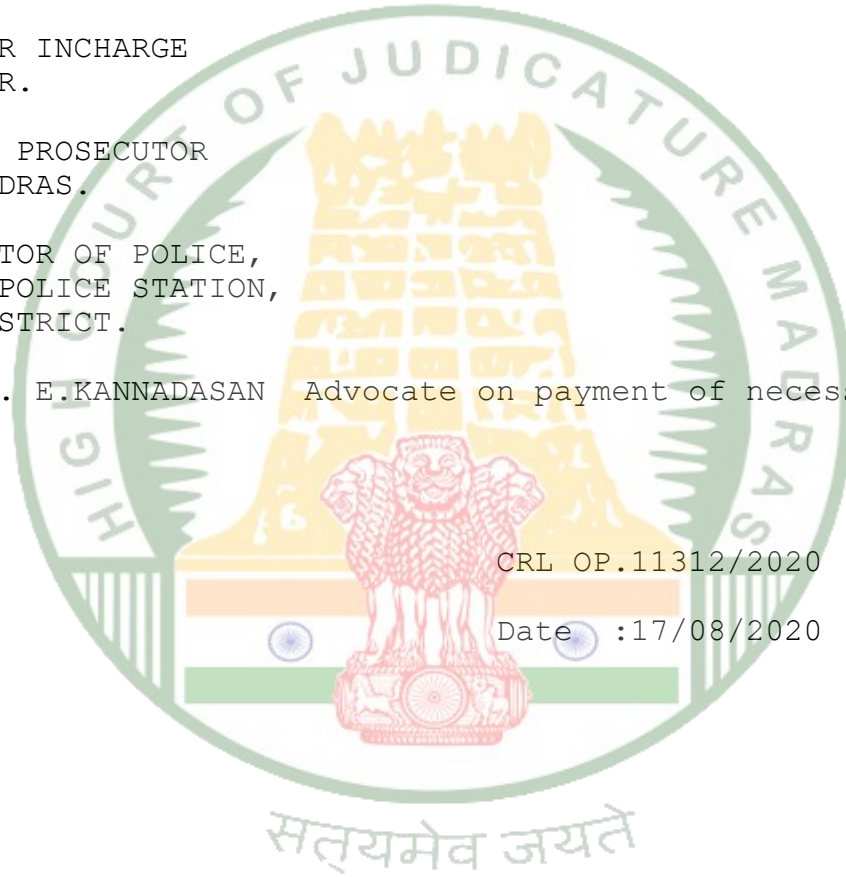
5 THE INSPECTOR OF POLICE,
DENKANIKOTTAI POLICE STATION,
KRISHNAGIRI DISTRICT.

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

CRL OP.11312/2020

Date :17/08/2020

cs 14/09/2020



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