

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.08.2020

CORAM :

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

Crl.O.P.No.11583 of 2020

Danasekaran
S/o.Subramani

... Petitioner

Vs.

Inspector of Police
Ammamet Police Station
Salem City
Crime No.482 of 2009

.. Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in connection with S.C.No.270 of 2009 on the file of Special Judge for E.C.Act Cases, Salem.

For Petitioner : Mr.R.Nalliyappan

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 for the offences punishable under Sections 120 (b), 302, 201 r/w 34 @ 302 IPC, seeks bail.

2.The learned counsel for the petitioner submitted that the petitioner is Accused No.1 in S.C.No.270 of 2009, pending trial on the file of the learned Special Judge for E.C.Act Cases, Salem. On 30.07.2019, the petitioner was unable to appear before the Trial Court due to some family dispute, Hence, the Trial Court issued NBW on 31.07.2019 which was executed on 30.10.2019 through P.T. Warrant and he was remanded to judicial custody on 08.11.2019. The petitioner subsequently filed an application under Section 70(2) Cr.P.C., to recall the warrant, which was dismissed by the Trial Court. Hence, the petitioner surrendered and he was remanded to judicial custody on 30.10.2019. The petitioner is in jail for the past nine months and thereby he would seek bail.

3.The learned Government Advocate (Crl. Side) would vehemently oppose for the grant of bail to the petitioner and would submit that the petitioner is a habitual offender and he has been involved in double murder case which is pending from 2009. There are totally 24 witnesses out of which only 3 witnesses have been examined so far. Except this petitioner, other accused persons i.e. A3 and A4 are regularly appearing before the Trial Court. This petitioner has

absconded frequently and hence NBW was issued on four occasions viz., 01.09.2015, 18.01.2016, 03.07.2017, 31.07.2019 respectively and he was finally secured on 30.10.2019 through P.T. Warrant on 08.11.2020. This petitioner is having 11 previous cases against him like 3 attempted murder, 1 arms Act, 1 robbery, 3 hurt cases, 2 Extortion cases and twice he has been detained under Goonda's Act.

4.He would further submit that the petitioner is a habitual offender. The petitioner's brother who is A2 was also absconding from August 2018 and he was arrested on NBW on 25.06.2020. If the petitioner is released on bail, there is every chance of him absconding again and thereby derailing the progress of the Trial. He would further submit that this is the 2nd bail application and there is no change of circumstances.

5.Taking into consideration of the facts and circumstances of the case, also considering the fact that the petitioner has frequently absconded and that earlier NBW has been issued four times viz., 01.09.2015, 18.01.2016, 03.07.2017, 31.07.2019 respectively and there is no change of circumstances, this court is not inclined to grant bail to the petitioner.

6.This Criminal Original Petition stands dismissed accordingly.

-sd/-

03/08/2020

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 INSPECTOR OF POLICE
AMMAPET POLICE STATION, SALEM CITY,

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM

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

CRL OP.11583/2020

Date :03/08/2020

RD 01/09/2020