

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.08.2020

CORAM :

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

Crl.O.P.No.12161 of 2020

Psycho Karthi @ Karthi

... Petitioner

Vs.

STATE: rep. by  
The Inspector of Police  
Periyanaickenpalayam Police Station  
Coimbatore  
(Crime No.118 of 2019)

.... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail, pending Trial in S.C.No.32 of 2020 on the file of the learned IV Assistant Judge, Coimbatore.

For Petitioner : Mr.P.Sundara Rajan

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 20.01.2020 for the offences punishable under Section 294(b), 506(2) and 307 IPC, in Crime No.118 of 2019, seeks bail.

2. The case of the prosecution is that on 21.04.2019, when the defacto complainant and his friends were coming along with Karupparaya temple, the petitioner had scolded them and assaulted them with bill hook machete and that when the defacto complainant and his friends attempted to apprehend him, the petitioner ran away from the scene of occurrence. Hence, the complaint.

3. The learned Counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. He would submit that when the petitioner was in judicial custody in respect of case registered by Virudhunager Police, the petitioner was arrested on P.T. Warrant on 20.01.2020 and he has been in judicial custody for more than eight months. He would submit that

the petitioner undertakes to abide by any stringent condition and he is also prepared to give sufficient for his release on bail. He would further submit that investigation is completed and charge sheet has been filed on 10.02.2020 and the same has been take on file in P.R.C.No.21 of 2020. He would further submit that now the case has been committed to the Court of Sessions and it has been taken for trial in S.C.No.32 of 2020 on the file of the IV Assistant Sessions Judge, Coimbatore. Hence, he prays for grant of bail to the petitioner.

4.The learned Government Advocate (Criminal Side) would submit that the petitioner assaulted the defacto complainant and his friends on 21.04.2019 and after the occurrence, the petitioner was absconding. Later the petitioner involved in a crime registered by the Virudhunagar Police and when he was in custody, the respondent police have taken him into custody on PT warrant on 20.01.2020 and he has been remanded to judicial custody. He would submit that though the incident had happened on 21.04.2019, the petitioner was arrested after six months on 30.10.2019. He would further submit that apart from the case registered by the respondent, the petitioner is involved in 4 other criminal cases out of which, 3 cases have been registered by the Tiruchuli Police, Virudhunagar District in Crime Nos. 144 of 2019, 146 of 2019 and 263 of 2019 (all the cases are relating to offence of robbery) and the other case has been registered by Pudur Police Station, Thoothukkudi District, in Crime No. 26 of 2019. He would submit that the case in S.C.No.32 of 2020 is pending framing charges on the file of the learned IV Assistant Sessions Judge, Coimbatore and if the petitioner is granted bail, there is every possibility of the petitioner will abscond again and thereby, it will be difficult for the trial Court to frame charges against the petitioner and hence, he seeks for dismissal of the bail application.

5. Heard both sides and perused the records.

6. It is seen that the incident in Crime No.118 of 2019 had happened on 21.04.2019 and the petitioner was absconded right from the date of occurrence and later, finding that he was arrested on 30.10.2019 in a case registered by the Virudhunagar Police, the petitioner was traced and arrested on P.T. Warrant only on 21.01.2020. Now, the case in S.C.No.32 of 2020 on the file of the IV Assistant Sessions Judge, Coimbatore, has been posted for framing charges. Apart from this case, the petitioner has got four cases out of which, three cases have been registered by the Virudhunagar Police and one case has been registered by the Thoothukkudi Police. Therefore, this Court is of the opinion that if the petitioner is granted bail, there is every possibility that the petitioner will abscond and thereby delaying the progress of trial. Hence, this Court is not inclined to grant bail to the petitioner for the present.

7. This Criminal Original Petition stands dismissed accordingly.

-sd/-  
24/08/2020

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 IV ASSISTANT JUDGE,  
COIMBATORE.

2 THE IV ASSISTANT SESSIONS JUDGE,  
COIMBATORE.

3 THE SUPERINTENDENT,  
CENTRAL PRISON, MADURAI.

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE  
PERIYANAICKENPALAYAM POLICE STATION,  
COIMBATORE.

CC to M/S.P.SUNDARA RAJAN Advocate on payment of necessary  
charges

सत्यमेव जयते

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Date :24/08/2020

cs 07/09/2020