

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.09.2020

CORAM :

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

Crl.O.P.No.12658 of 2020

V.Saravanan

... Petitioner

Vs.

The State, rep. By its
Inspector of Police
F-5, Choolaimedu Police Station
Chennai District
(Crime No.505 of 2015)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.505 of 2015 on the file of Respondent Police.

For Petitioner : Mr.M.Ravikumar

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 29.11.2019 for the offences punishable under Section 341,324, 302, 506(2) r/w 34 IPC, in Crime No.505 of 2015, seeks bail.

2.It is a case of jumped bail. The petitioner has been arrested on 29.11.2019, pursuant to the warrant issued on 06.03.2016 in S.C.No.195 of 2015.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and that without any summons being served on him, he has been arrested in this case. He would further submit that the petitioner is in custody from 29.11.2019 and that similarly placed accused A1 / Umar @ Mohammad Basha who was also arrested has been granted COVID bail, accordingly, prays for grant of bail.

4.The learned Government Advocate (Crl. Side) would submit that the petitioner is not an innocent and there are seven previous cases against him, out of which, five cases are triable by the Court of Sessions. He would further submit that Crime No.1199 of 2013 registered by T-9, Pattabiram Police Station for the offences under Section 341, 147, 148 and 302 IPC pending trial in S.C.No.311 of 2014 before the Additional District Judge-I, Thiruvallur Court, for examination of witnesses, another case in Crime No.250 of 2014, registered by T-9, Pattabiram Police Station for the offences under Section 341, 323, 294(b), 392, 427, 506(ii) IPC, which has been taken up for trial in S.C.No.140 of 2015, on the file of the Sub-Court, Thiruvallur and it is pending for execution of NBW against the co-accused one Sudhakar, another case is registered in Crime No.251 of 2014 by T-9, Pattabiram Police Station for the offences under Section 341, 323, 294(b), 392, 397, 427, 506(ii) IPC and that case is also taken up in S.C.No.141 of 2015, pending before the Sub-Court, Thiruvallur for execution of NBW against the co-accused one Sudhakar, another case in Crime No.30 of 2018, registered by F5, Choolaimedu Police Station, for the offences under Section 341, 294(b), 323, 392, 506(ii) IPC, pending trial in PRC.No.64 of 2017, on the file of the XVII Metropolitan Magistrate Court, Chennai and summons have been issued to the petitioner, another case in Crime No.30 of 2018, registered by F5, Choolaimedu Police Station for the offences under Sections 341, 294(b), 323, 392, 506(ii) IPC and the case is pending in C.C.No.7018 of 2018 on the file of the XVII Metropolitan Magistrate, Saidapet Court and at the stage of issuance of fresh summons, another case in Crime No.33 of 2018, registered by F5, Choolaimedu Police Station for the offences under Section 294(b), 392 r/w. 397, 336, 427, 506 (ii) IPC and it is in pending committal in PRC.No.70 of 2019, before the XVII Metropolitan Magistrate, Saidapet Court and another case is registered in Crime No.751 of 2019, by F5, Choolaimedu Police Station for the offences under Section 229(A) IPC and pending for investigation.

5.He would further submit that the petitioner was arrested and detained under Goondas Act of 246 of 2015 in BCDFGISSV as per the detention order passed by the Commissioner of Police, Chennai City on 14.03.2015 and during his custody, he was produced before the Trial Court on every hearing by the respondent police. He would further submit that the petitioner was released on bail in this case on 29.10.2015 in Crl.O.P.No.17576 of 2015 and thereafter he did not turn up before the Court and absconded for the past 5 years, thereby, the Trial Court had issued an NBW against the petitioner and the petitioner is well aware of the pendency of the cases and absconded for the past five years thereby dragging the case from the trial proceeding. While so, the petitioner is pretending as if he was not aware of the pendency of the caes. He would further submit that the co-accused one Umar / Mohammad Basha was infact granted bail during the initial stage of COVID and subsequently he was arrested and he is in custody now. He would further submit that the NBW against this petitioner was executed only after five years and

that too with great difficulty, hence, he vehemently opposes for the grant of bail to the petitioner.

5.Taking into consideration of the facts and submissions so made by the learned Government Advocate (Crl. Side) and also considering the fact that the petitioner has involved in so many cases and most of the cases are pending trial, this Court is not inclined to grant bail to the petitioner.

6.The Criminal Original petition stands dismissed accordingly.

-sd/-

07/09/2020

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 PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

2 THE INSPECTOR OF POLICE,
F-5, CHOLAIMEDU POLICE STATION,
CHENNAI DISTRICT.

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

CRL OP.12658/2020

Date :07/09/2020

MK:22/09/2020

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