

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.08.2020

CORAM :

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

Crl.O.P.No.13228 of 2020

A.Hanifa @ Babu

... Petitioner

Vs.

The State 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.Vasudevan

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 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 and he is in prison for more than 5 months.

3.The learned Government Advocate (Crl. Side) would submit that it is a case of jumped bail. He would further submit that the case in Crime No.164 of 2013 has been registered in the year 2013. He would further submit that the petitioner / accused one after another did not appear before the Court thereby prevented the Trial Court from framing charges. He would further submit that since 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. He would further

submit that the accused in this case one after other had not appeared before the Trial court thereby the Trial Court was not able to frame charges. He would further submit that the bail petition of this petitioner filed by another counsel was dismissed by this Court vide order dated 27.07.2020 in Crl.O.P.No.11049 of 2020 and the present petition has been filed suppressing the earlier dismissal.

4.The learned Government Advocate would further submit that the co-accused in this case also arrested very recently on 24.10.2019 on P.T. Warrant issued by the Trial Court on 23.09.2019. Only A1 in this case is appearing regularly before the Trial Court. He would further submit that if bail is granted to the petitioner, there is every chance of him absconding and prevent the Trial Court from framing charges.

5.Taking into consideration of the facts and circumstances and also submissions so made by the learned counsels that the petitioner has been absconding from 19.12.2019 was arrested only on 16.03.2020, this Court is not inclined to grant bail to the petitioner.

6.This Criminal Original Petition stands dismissed accordingly.

-sd/-

28/08/2020

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 I ADDITIONAL DISTRICT AND
SESSIONS JUDGE, ERODE.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 INSPECTOR OF POLICE,
KARUNGALPALAYALAM POLICE STATION,
ERODE DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

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

CRL OP.13228/2020

Date :28/08/2020

RVR 09/09/2020

<https://hcservices.ecourts.gov.in/hcservices/>