

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No. 14096 of 2020

Appunu @ Jayakumar,

S/o.Desing Raja

... Petitioner/Accused

Vs.

The State represented by,

The Inspector of Police,

P-2, Otteri Police Station,

Chennai - 600 012.

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No. 802 of 2009, pending investigation on the file of the respondent police.

For Petitioner : Mr.K.V.Ramesh

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 04.08.2020 for the offences punishable under Sections 341, 393, 394, 397, 506(ii) r/w 34 of IPC, in Crime No.802 of 2009, on the file of the respondent police, seeks bail.

2 It is the case of the jumped bail. The petitioner/accused is facing trial in S.C.No.429/2013, on the file of the learned VI Additional Sessions Judge, Chennai, for the offences under Sections 341, 393, 394, 397, 506(ii) r/w 34 of IPC. Since the petitioner did not appear before the Trial Court, on 02.08.2016, the Trial Court had issued Non-bailable Warrant of arrest against the petitioner and the petitioner has been arrested on 04.08.2020.

3 The learned counsel appearing for the petitioner would submit that petitioner is an innocent person and due to his illness, he did not appearing before the Trial Court and the Trial Court had issued Non-bailable warrant of arrest on 02.08.2016 and later he was arrested on 04.08.2020.

4 The learned Government Advocate (Crl.Side) appearing for the respondent would vehemently oppose by stating that the petitioner is an habitual offender and he is having five previous cases of robbery. He would submit that on very great difficult, the petitioner was arrested after four years on 04.08.2020. He would submit that there are totally three accused in this case, out of which, one accused

died and other accused has regularly appeared before the Trial Court. As far as this petitioner is concerned, non-bailable warrant of arrest has been issued against him on 02.08.2016. If the bail is granted to the petitioner at this stage there is every possibility for absconding.

5 Taking into consideration the facts and submissions made by the learned counsel, considering the fact that the petitioner is having five previous cases in similar nature and he has been in absconding for about four years and that he has been arrested very recently on 04.08.2020, this Court is not inclined to grant bail to the petitioner, however, a direction is issued to the learned Trial Judge to complete the Trial as expeditiously as possible preferably within a period of four months from the date of commencement of Court normal functioning.

6 With the above direction, this Criminal Original Petition stands dismissed.

-sd/-

10/09/2020

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 VI ADDITIONAL SESSIONS
COURT, CHENNAI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI

4 THE INSPECTOR OF POLICE,
P-2 OTTERI POLICE STATION,
CHENNAI-600 012.

CC to M/S.K.V.RAMESH Advocate on payment of necessary charges

CRL OP.14096/2020

Date :10/09/2020

RD 24/09/2020