

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.14276 of 2020

Mummurthy

... Petitioner/Accused No.2

Vs.

The Inspector of Police,
Nallipalayam Police Station,
Namakkal District.

Cr.No.6 of 2020

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on anticipatory bail in the event of his arrest by the respondent police in Crime No.6 of 2020 on the file of the respondent police.

For Petitioner : Mr.B.Ramesshkumaar

For Respondent : Mr.Mohammed Riyaz

Addl. Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Section 229(A) of IPC, in Crime No. 6 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. It is the case of the prosecution as per the defacto complainant viz., Mr.S.Thangavel, Inspector of Police, Tiruchengode Police Station, Tiruchengode that earlier, the petitioner was arrested for the offences under Sections 394, 395 IPC read with Sections 397, 394 and 506(ii) IPC in Crime No.466 of 2002. Thereafter, the case was committed to the learned District and Sessions Judge, Namakkal in SC. No.108 of 2019. The trial Court had granted bail to the petitioner with certain conditions. Since the petitioner did not comply with the conditions and absconded, the trial Court has issued a non-bailable warrant against the petitioner. As per the directions of

the concerned Court, the present FIR has been registered for the offences under Section 229(A) IPC.

3. There is no representation on behalf of the petitioner.

4. The learned Additional Public Prosecutor would vehemently oppose and he would submit that the trial Court had granted bail to the petitioner with certain conditions. But, the same was not complied with by the petitioner. Therefore, the trial court has issued a non bailable warrant against the petitioner. However, the petitioner is still absconding. He would further submit that the case was registered in the year 2002 and due to the abscondance of the accused one after another there was a delay in committal and the case had been taken up for trial in S.C.No.108 of 2019 after 17 years. Hence, he opposed for the grant of anticipatory bail to the petitioner.

5. In view of the submission made by the learned Additional Public Prosecutor, a non bailable warrant is pending against the petitioner and the case is of the year 2002, this Court is not inclined to grant anticipatory bail to the petitioner.

6. With the above direction, the petition stands dismissed.

-sd/-
14/09/2020

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 PRINCIPAL DISTRICT AND SESSIONS JUDGE,
NAMAKKAL.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
NALLIPALAYAM POLICE STATION,
NAMAKKAL DISTRICT.

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

CRL OP.14276/2020

Date :14/09/2020