

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.09.2020

CORAM :

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

Crl.O.P.No.14235 of 2020

S.Rathinam

... Petitioner

- Vs. -

State rep. by

... Respondent

The Inspector of Police,
M-1, Madhavaram Police Station,
Madhavaram, Chennai.
Crime No.1346 of 2015.

Prayer: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code, to enlarge the petitioner on bail in the event of his arrest in M-1, Crime No.1346 of 2015 on the file of the respondent police.

For Petitioner : Mr.S.Ponnivalavan

For Respondent : Mr.M.Mohammed Riyaz,
Addl. Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 341, 336, 302 and 506(ii) of IPC read with 149 IPC in Crime No.1346 of 2015, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that due to previous motive between the petitioner and the deceased person, the petitioner and 8 other accused have joint together and decided to murder the deceased and executed the same. Therefore, the petitioner (A3) is facing trial before the learned Judicial Magistrate, Madhavaram, Chennai in PRC. No.51 of 2015 for punishable under section 147, 148, 341, 336, 302, 506(ii) of IPC read with 149 IPC in Crim No,1346 of 2015.

3. The learned counsel appearing for the petitioner would submit that the petitioner is arrayed as A3 in this case. The case is pending committal in PRC. No.51 of 2015 on the file of the learned Judicial Magistrate, Madhavaram, Chennai. He would further

submit that due to illness, he did not appear before the concerned Court on 10.12.2019. Therefore, the learned Judge has issued a non bailable warrant of arrest against this petitioner. Due to pandemic and non functioning of the Court, the petitioner is unable to surrender before the concerned Court. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the case is of the year 2015 and the petitioner is arrayed as A3. The trial Court has issued a non bailable warrant against the petitioner (A3). Due to non appearance of the accused, the learned Judge is unable to commit the case. At this stage, if anticipatory bail is granted to the petitioner, he will abscond and it will derail the progress of trial.

5. Heard both sides. Perused the entire materials available on records.

6. It is the case of the year 2015. The case has been taken up for trial in Special PRC.No.51 of 2015. Taking into consideration of the facts and submissions made by both the parties, the petitioner is directed to surrender before the concerned Court and file a petition to recall the warrant when the physical functioning of the Courts open. The learned Judge shall consider and pass orders, taking into consideration the merits of the case, on the same day of surrender.

7. With the above directions, the Criminal Original Petition is disposed of.

-sd/-
14/09/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

सत्यमेव जयते TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
MADHAVARAM, CHENNAI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

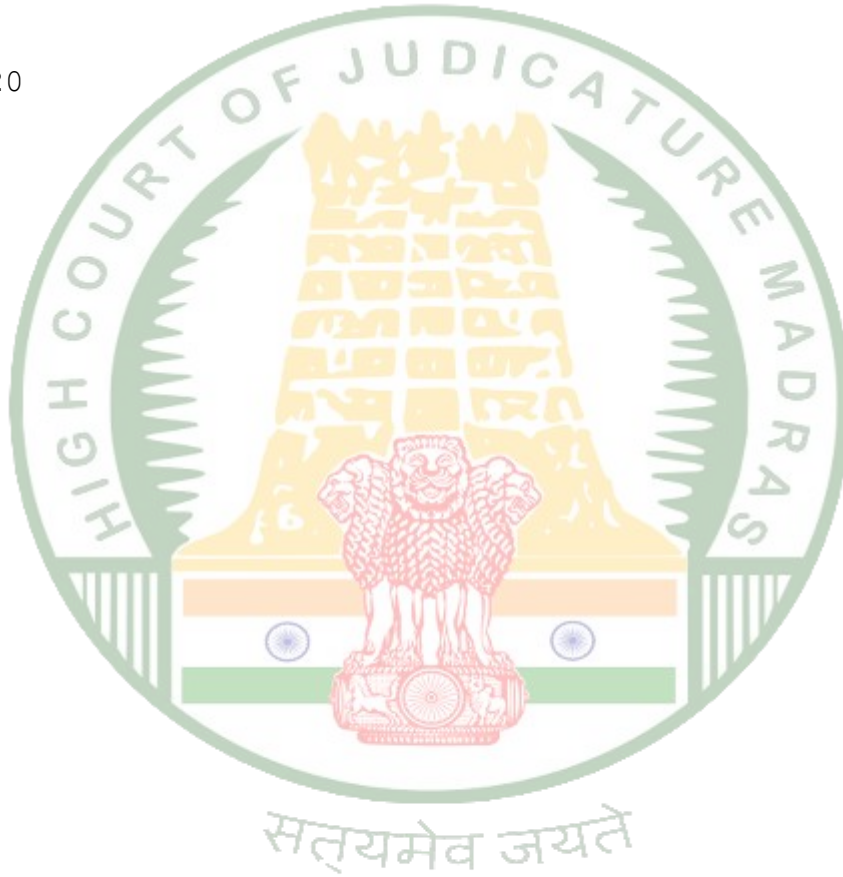
4 THE INSPECTOR OF POLICE,
M-1,MADHAVARAM POLICE STATION,
MADHAVARAM, CHENNAI.

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

CRL OP.14235/2020

Date :14/09/2020

TA-30/09/2020



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