

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No. 14457 of 2020

1.R.Saravanan

2.Madhan

... Petitioners/Accused Nos. 1 & 4

Vs.

The State represented by,
The Inspector of Police,
G-5, Secretariat Colony Police Station,
Chennai - 600 010.
Crime No.740 of 2013 ... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioners on bail in Crime No. 740 of 2013, on the file of the respondent police.

For Petitioners : Mr.K.Kannan

For Respondent : Mrs.S.Thankira
Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

The petitioners, who were arrested and remanded to judicial custody on 01.08.2020 for the offences punishable under Section 147, 148, 364, 302 r/w149 & 201 of IPC in S.C.No. 348 of 2014, on the file of the learned XIX Additional Sessions Judge, Chennai, seek bail.

2 It is a case of jumped bail. The learned Trial Judge issued an NBW on 26.08.2019 and the warrant was executed on 01.08.2020.

3 The learned counsel appearing for the petitioners would submit that since the petitioners did not appear before the Trial Court on 26.08.2019, the Trial Court had issued a non-bailable warrant of arrest against the petitioners on 26.08.2019. He would submit that the petitioners could not appear before the Trial Court due to their illness and that they were in custody from 31.07.2020. Hence, he prays to grant bail to the petitioners.

4 The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the crime number is of the year 2013 and the Sessions Case is of the year 2014. She would submit that the petitioners have been repeatedly absconding and they have been derailing the trial and that since they did not appear before the trial Court on 26.08.2019, the Trial Court had issued non-bailable of arrest against the petitioners and the petitioners were arrested and remanded to the judicial custody on 01.08.2020.

5 Heard both sides and perused the materials placed on record.

6 This Court, on 17.09.2020, had called for all the report from the learned XIX Additional Sessions Judge, Chennai and the report of the learned Trial Judge has been received vide D.No.36/2020, dated 24.09.2020 and the relevant paragraphs are extracted hereunder:

"On perusal of records, the III Metropolitan Magistrate committed the case in PRC No.82/2014 to the Principal Sessions Judge, Chennai. The case was taken on file as S.C.No. 348/2014 and the same was made over to this Court on 03.11.2015 by the Hon'ble Principal Sessions Judge, City Civil Court and adjourned to 20.11.2015.

I further submit that in respect of A1 Saravanan, on 20.11.2015 he appeared before this Court. After appearing on 6 hearings A1 was absent on 11.02.2016 and NBW was issued. On 12.02.2016 A1 surrendered before this court and on petition NBW was recalled. After appearing 5 hearings, on 23.06.2016 A1 was absent and NBW was issued. The same was recalled on 06.07.2016. Thereafter, A1 appeared next 6 hearings. Subsequently, he was arrested in another case and produced on PT warrant. After released on bail he was present on next 10 hearings and absent on 04.08.2017. Hence NBW was issued. After lapse of 6 hearings on 04.12.2017 A1 surrendered and NBW was recalled. After continuous appearing of 5 hearings again A1 was absent on 26.03.2018. Hence NBW was issued. The same was recalled on 03.04.2018. And after appearing 4 hearings on 05.07.2018 he was absent and NBW was issued. The same was recalled on 28.08.2018. Immediately on next hearing due to non appearance of A1 on 06.09.2018 NBW was issued. The same was recalled on 11.10.2018. After appearing 13 hearings, A1 was absent on 26.08.2019 hence NBW was issued. On 31.07.2020 on execution of NBW A1 was arrested and still he is in judicial custody.

In respect of A4 Madhan during committal of the case to this court, he was in jail in another case. Hence, he was produced on PT warrant till 08.01.2016. After released from jail, A4 was absent on 11.02.2016. Hence, NBW was issued. On 24.02.2016, A4 was surrendered before this Court and NBW was recalled. After appearing 3 hearings, on 27.04.2016 he was absent and NBW was issued. The same was recalled on petition on 09.06.2016. After that he appeared few hearings

and subsequently he was absent on 04.10.2017. Hence NBW was issued. On 04.11.2017, he surrendered and NBW was recalled. After appearing 27 hearings, on 26.08.2019 NBW was issued due to his absence. On execution of warrant, A4 was arrested on 31.07.2020 and kept in judicial custody.

Further I humbly submit that on perusal of case records both A1 and A4 were not in regular in appearing before this Court and on many times warrant was recalled."

7 On a perusal of the report of the learned Trial Judge, it is seen that the accused have been very irregular in appearing before the Court and non-bailable warrants have been issued on several occasions against the petitioners and they have also been granted bail. This Court disapproves the conduct of the petitioners. It is a case of the year 2014. The petitioners have been continuously irregular, due to which, the trial has been delayed.

8 Taking into consideration the facts and submissions made by the learned counsel and also considering the report received from the learned Trial Judge, this Court is not inclined to grant bail to the petitioners. However, a direction is issued to the learned Trial Judge to complete the trial in S.C.No.348 of 2014, on the file of the learned XIX Additional Sessions Judge, Chennai, as expeditiously as possible preferably within a period of six months from the resumption of normal functioning of the Courts.

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

-sd/-
29/09/2020

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 XIX ADDITIONAL SESSIONS COURT,
CHENNAI.

2 THE SUPERINTENDENT,
PUZHAI PRISON.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

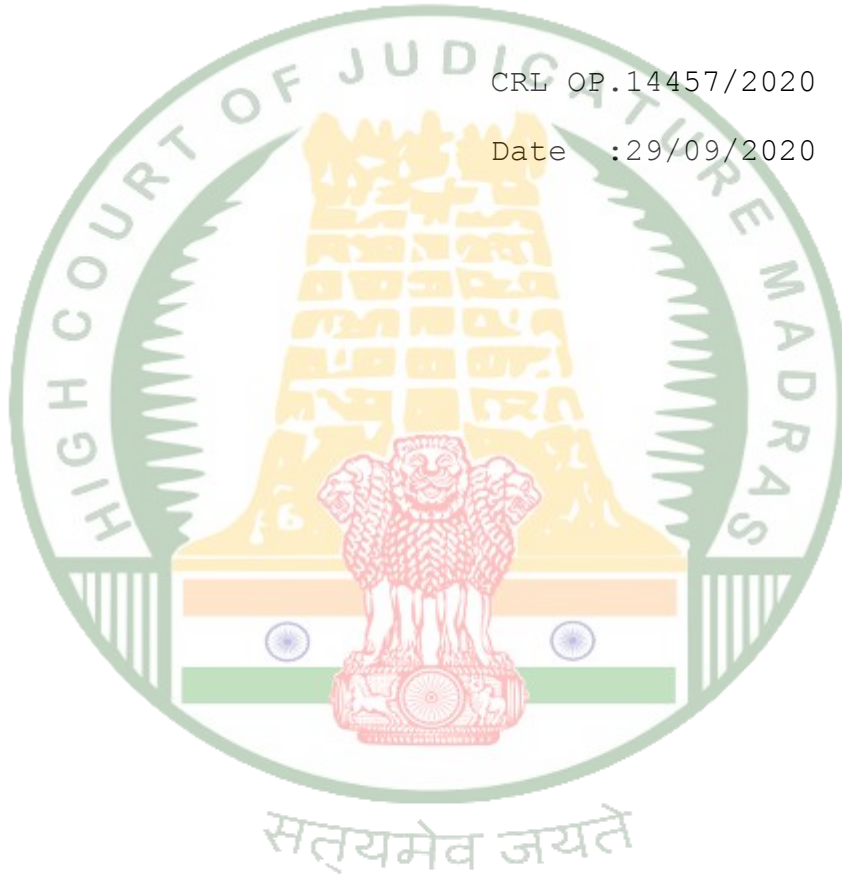
4 THE INSPECTOR OF POLICE,
G-5, SECRETARIAT COLONY POLICE STATION,
CHENNAI- 600 010.

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

CRL OP.14457/2020

Date :29/09/2020

cs 13/10/2020



WEB COPY