

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.10.2020

CORAM :

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

Crl.O.P.No.15087 of 2020

SARAVANAN
S/o.Erusar

.... Petitioner

-Vs-

The State Represented by
The Sub-Inspector of Police,
Kolathur Police Station,
Salem District.
(Crime No.332 of 2012).

... Respondent

Prayer: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code, to enlarge the petitioner on bail in C.C.No.87 of 2014 on the file of the Judicial Magistrate No.I, Mettur.

For Petitioner : Mr.M.Subash

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl. Side)

ORDER

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 27.07.2019 for the offences punishable under Section **25(1)B(a) and 25(1)(a) of Indian Arms Act**, in Crime No.332 of 2012, pending investigation

on the file of the respondent police, seek bail.

2.It is a case of jumped bail. The petitioner is an accused, facing trial in C.C.No.87 of 2014 on the file of the learned Judicial Magistrate No.1, Mettur, for the offences punishable under Section 25(1)B(a) and 25(1)(a) of Indian Arms Act. Since the petitioner did not appear before the Trial Court on 09.05.2019, the Trial Court issued an NBW and pursuant to which, the petitioner was arrested on 09.07.2019 and he is in custody till date.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and since he was arrested for the crime registered by the Karnataka police in another case, he was unable to appear before the Trial Court on 09.05.2019 and thereby, the Trial Court had issued NBW against him. He would further submit that the petitioner is in custody for more than a year and thereby he would seek for bail.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would vehemently oppose stating that the petitioner did not appear before the Trial Court on 09.05.2019 and hence, the Trial Court issued NBW,

pursuant to which, he was remanded to judicial custody on 09.07.2019. He would further submit that apart from this case, the petitioner has got three other cases pending against him in the State of Tamil Nadu for having found in possession of Arms and another case registered for the offences under Section Wild Life Act and yet another case he was convicted in Crime No.141 of 2014. He would further submit that apart from that, the petitioner has got cases before the State of Karnataka and he has been convicted in some other cases in Karnataka. He would further submit that as far as the case in C.C.No.87 of 2014 is concerned, it is pending trial. He would further submit that the respondent police have executed the warrant with very great difficulty and arrested the accused only after three years. At this stage, if bail is granted to the petitioner, the petitioner may abscond again and derail the progress of the trial.

5.Taking into consideration of the fact that the C.C.No.87 of 2014 is of the year 2014 and also considering the submissions made by the learned counsel, this Court is not inclined to grant bail to the petitioner. However, a

A.D.JAGADISH CHANDIRA, J.

kas

direction is issued to the learned Judicial Magistrate No.1, Mettur to complete the trial as expeditiously as possible, preferably within a period of six months from the date of receipt of a copy of this order.

6.This Criminal Original Petition stands dismissed accordingly.

07.10.2020
(2/2)

kas

To.

The Public Prosecutor
High Court, Madras
Chennai 600 104



WEB COPY

Crl.O.P.No.15087 of 2020