IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.10.2020

CORAM :

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

CRL.O.P.No.15214 of 2020

Appunu @ Jayakumar ... Petitioner

Vs.

State Inspector of Police,
P2 Otteri Police Station,
Chennai.
(Crime No.802 of 2009) ... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in the above pending trial in S.C.No.429 of 2013 on the file of the VI Additional Sessions Court, Chennai in Cr.No.802 of 2009 on the file of the respondent police.

For Petitioner : Mr.S.Senthilvel

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

2.It is a case of jumped bail. The petitioner is A2 in this case and facing trial in S.C.No.429 of 2013 on the file of the VI Additional Sessions Judge, Chennai for the offences under Sections 341, 393, 394, 397, 506(ii) r/w 34 IPC. Since the petitioner did not appear before the Trial Court on 02.08.2016, the Trial Court had issued NBW against him and thereby the petitioner was arrested on 04.08.2020 on execution of the P.T. Warrant.

3.The learned counsel appearing for the petitioner would submit that the petitioner was arrested on 04.08.2020 and he is in custody for more than a month and thereby he would seek for bail.

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4.The learned Government Advocate (Crl. Side) appearing for the respondent would vehemently oppose stating that it is a case of the year 2009. He would further submit that the petitioner along with other accused committed robbery. During the course of investigation, one of the accused died and only two accused are facing trial now. He would further submit that the respondent police have completed investigation and final report has also been filed and taken on file by the Trial Court in S.C.No.429 of 2013, and it is pending trial on the file of the VI Additional Sessions Court, Chennai. He would further submit that since the petitioner had failed to appear before the Trial Court on 02.08.2016, the learned Trial Judge was pleased to issue NBW and the petitioner was arrested pursuant to the said warrant, after a period of four years. He would further submit that the respondent police have executed the warrant with much difficulty and now the case stands posted for framing charges. At this stage, if the petitioner is enlarged on bail, there is every possibility of him getting absconded again and derail the progress of the trial. He would further submit that the petitioner is having five previous cases to his credit.

5.Taking into consideration of the fact that the crime is of the year 2009, the Sessions Case in S.C.No.429 of 2013 is pending from the year 2013, the warrant is pending from the year 2016 and that the case now stands posted for framing charges and also taking into consideration of the fact that the petitioner is having five previous cases, this Court is not inclined to grant bail to the petitioner.

6.This Criminal Original Petition stands dismissed accordingly.

-sd/-
09/10/2020

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

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

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TO

1 THE VI ADDITIONAL SESSIONS COURT,
CHENNAI.

2 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL,
CHENNAI.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
P2, OTTERI POLICE STATION,
CHENNAI

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

CRL OP.15214/2020

Date :09/10/2020

MK:19/10/2020

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