

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.10.2020

CORAM :

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

Crl.O.P.No.15306 of 2020

Shanmugam

.... Petitioner

-Vs-

The State Represented by
The Inspector of Police,
Hasthampatty Police Station,
Salem District.
(S.C.No.12 of 2012).

... Respondent

Prayer: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code, to enlarge the petitioner on bail in S.C.No.12 of 2012 on the file of the III Additional District Court at Salem.

For Petitioner : Mr.C. Munuraj

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 15.10.2019 for the offences punishable under Section 120(B), 148, 202 r/w. 149, 302 r/w. 120(b), 212 r/w. 302 IPC in Crime No.356 of 2010 on the file of the respondent police in S.C.No.12 of 2012 on the file of the learned III Additional District Judge, Salem, seeks bail.

2.It is a case of jumped bail. Initially, the petitioner was arrested and remanded to judicial custody, subsequently, the petitioner was enlarged on bail and thereafter, he did not appear before the Trial Court. Hence, the Trial Court had issued NBW against the petitioner and the petitioner was arrested and remanded to judicial custody on 15.10.2019 on the execution of NBW.

3.The learned counsel appearing for the petitioner would submit that the Trial Court had issued NBW against the petitioner and the petitioner was secured by the respondent police on 15.10.2019 and that he is in custody for almost one year.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would vehemently oppose stating that the petitioner has a history of absconding and the Trial court had repeatedly issued NBW against him. He would further submit that on the earlier occasion, the petitioner had filed Crl.O.P.No.3991 of 2020 dated 10.03.2020, and this Court after calling for the report from the Trial Court had dismissed his bail application. He would further submit that the petitioner has 11 previous cases against him and if the petitioner is granted bail there is every possibility of him getting absconded and derail the trial proceedings as the case stands posted for framing charges on 06.10.2020.

5.This Court had earlier called for a report from the learned III Additional Sessions Judge, Salem with regard to regularity of appearance of the petitioner and this Court had also received a report in D.No.295 of 2020 dated 02.03.2020 from the learned Sessions Judge as follows:

"I submit that the reference mentioned case was received by this Court on 06.01.2012 for disposal according to law. I further submit that as on 14.02.2020 the accused No.I namely Shanmugam was under judicial custody. I further submit that an NBW was issued against A1 on 06.02.2012. that on 19.02.2014 the A1 was produced on execution of NBW and that on 22.09.2014 the A1 was released on bail. Again NBW against A1 on 22.11.2015. that on 15.03.2016 against NBW issued against A1 and on 30.11.2016 A1 produced on PT Warrant, that on 23.11.2017 NBW against A1 was recalled.

I further submit that on 13.02.2018 NBW was issued against A1 and then on 02.04.2018 NBW against A1 was recalled. Then that on 21.06.2018 NBW issued against A1 and it was recalled on 18.01.2018. Again on 11.09.2018 NBW was issued against A1 and it was recalled on 19.09.2018. Again 26.11.2018 NBW issued against A1 and it was recalled on 29.01.2019. Again on 05.09.2019 NBW issued against A1 and that on 15.10.2019 the A1 was produced on execution of NBW and thereafter the A1 Shanmugam was under judicial custody. I further submit that as on 14.02.2020 NEW is pending against A5, 8 and the case is posted to 11.03.2020."

6.Taking into consideration of the above report sent by the learned Trial Judge and also considering the history of absconding of the petitioner often and that the Trial Court had repeatedly issued NBW against him, this Court is not inclined to grant bail to the petitioner.

7.This Criminal Original Petition stands dismissed accordingly.

-sd/-
05/10/2020

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 III ADDITIONAL DISTRICT JUDGE,
SALEM.

2 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
HASTHAMPATTY POLICE STATION,
SALEM DISTRICT.

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

CRL OP.15306/2020

Date :05/10/2020

MK:14/10/2020

WEB COPY