

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. 15309 of 2020

Haribabu

... Petitioner/Accused

Vs.

The State of Tamilnadu represented by,
The Inspector of Police,
Law & Order,
H-3 Tondiarpet Police Station,
New Washermanpet, Chennai.
Crime No. 1794 of 2017.

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner/accused on bail pending trial in S.C.No.148/2018, on the file of the learned XV Additional Sessions Court, Singaravelar Maaligai, Chennai.

For Petitioner : Mr.A.Thirumaran

For Respondent : Mrs.S.Thankira
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 21.08.2020 for the offences punishable under Sections 147, 148, 307 and 506(ii) of IPC and subsequently altered to 147, 148, 341, 302 r/w 120B and 149 of IPC, pending trial in S.C.No.148/2018, on the file of the learned XV Additional Sessions Court, Singaravelar Maaligai, Chennai, seeks bail.

2 It is a case of jumped bail. The learned Trial Judge issued an NBW on 05.02.2019 and the warrant was executed on 21.08.2020.

3 The learned counsel appearing for the petitioner would submit that the petitioner has been arrayed as A1 in S.C.No.148/2018, pending trial, for the offences under Sections 147, 148, 341, 302 r/w 120B and 149 of IPC, on the file of the learned XV Additional Sessions Court, Singaravelar Maaligai, Chennai. He would submit that due to his illness, the petitioner was unable to appear before the Trial Court on 05.02.2019 and thereby, the Trial Court has issued

non-bailable warrant of arrest against him. Subsequently, the petitioner was arrested on 21.08.2020 and he is in custody for more than a month. Hence, he prays to grant bail to the petitioner.

4 The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner is the main accused in S.C.No.148 of 2018, pending trial on the file of the learned XV Additional Sessions Court, Singaravelar Maaligai, Chennai. She would submit that there are totally nine accused in this case and that the petitioner has been repeatedly absconding and thereby, there was a delay in the trial. She would submit that when the case was posted for examination of prosecution witnesses on 05.02.2019, the petitioner has absconded and thereby, there had been a deadlock in the trial and the Trial Court had issued non-bailable warrant of arrest against the petitioner on the same day. She would further submit that with a great difficulty, the petitioner was arrested after one year six months i.e., on 21.08.2020 and he was remanded to the judicial custody on the same day. She would submit that as of now the case stands posted to 14.10.2020 for examination of prosecution witnesses and that the petitioner is a history sheeter with H.S.No.10 of 2010 and that he has got 18 previous cases pending before the various stations. She would further submit that at this stage, if bail is granted to the petitioner, there is every possibility that he may be absconded, thereby it will delay in prosecution of trial.

5 Heard both the learned counsels and perused the materials placed on record.

6 Taking into consideration of the facts and submissions made by the learned counsels and considering the fact that the petitioner has been absconding for 1½ years, he is a history sheeter with H.S.No.10 of 2010 and also considering the fact that there are 18 previous cases pending against the petitioner, this Court is not inclined to grant bail to the petitioner. Hence, 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 XV ADDITIONAL SESSIONS JUDGE,
SINGARAVELAR MAALIGAI, CHENNAI

2 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

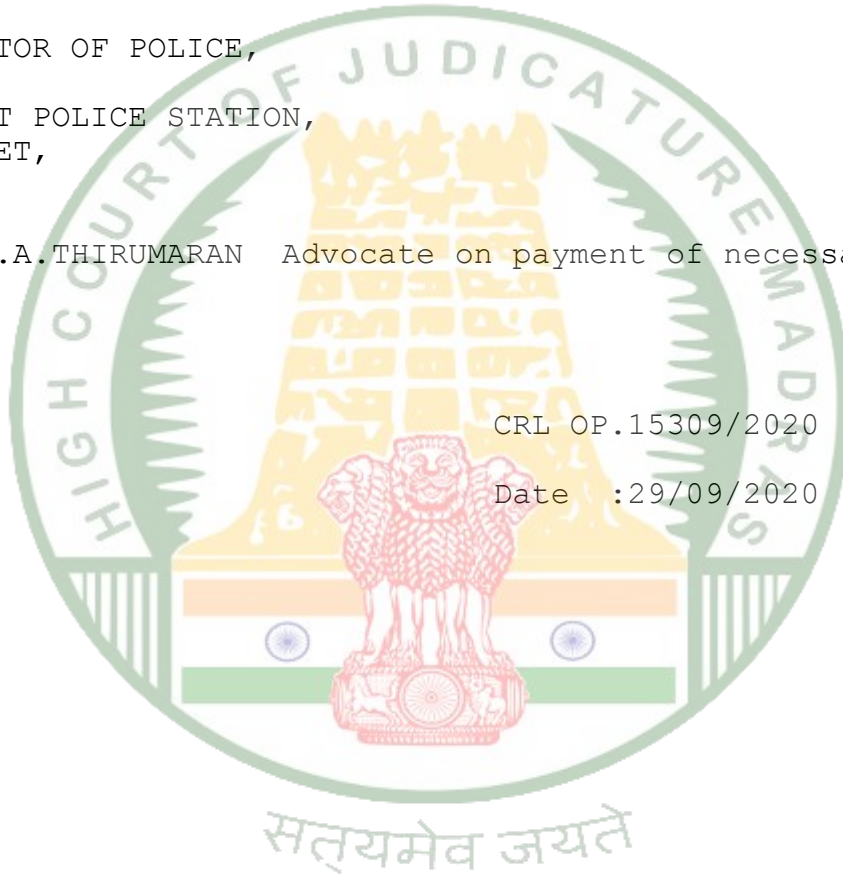
4 THE INSPECTOR OF POLICE,
LAW AND ORDER,
H-3, TONDIARPET POLICE STATION,
NEW WASHHERMANPET,
CHENNAI.

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

CRL OP.15309/2020

Date :29/09/2020

cs 16/10/2020



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