

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No. 15646 of 2020

Raja

... Petitioner

Vs.

State Rep by

Inspector of Police,

Tiruppur Rural Police Station,

Tiruppur District.

(Crime No.538 of 2008)

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in S.C.No.33 of 2017 on the file of II Additional District and Sessions Judge, Tiruppur.

For Petitioners : Mr.K.Sudhakar

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 23.01.2020 for the offences punishable under Sections 364, 302 r/w 120(b) and 201 of IPC, in Crime No.538 of 2008 on the file of the respondent police, seeks bail.

2. It is a case of jumped bail. The petitioner is arrayed as A7 and facing trial in S.C.No.33 of 2017 on the file of the II Additional District and Sessions Judge, Tiruppur, for the offences under Sections 364, 302 read with 120 (b) and 201 IPC. Since he did not appear before the trial Court on 09.07.2019 the trial Court had issued NBW pursuant to which he was arrested on 23.01.2020.

3. The learned Counsel for the petitioner would submit that the petitioner due to illness was unable to appear before the Court on 09.07.2019 and thereby, the trial court had issued NBW against the petitioner pursuant to which, the petitioner was arrested on 23.01.2020 and the petitioner has been in judicial custody for more than eight months. Hence, he seeks for grant of bail.

4. The learned Government Advocate (Crl. Side) would vehemently oppose stating that the case is of the year 2008. There are totally eight accused in this case and the petitioner is arrayed as A7. He would submit that absconding charge sheet was filed against the petitioner during on 20.07.2008 and the petitioner surrendered before the Magistrate only in the year 2014 and that he was absconding for about six years. Subsequently, he was granted bail. He would submit that initially the final report was taken cognizance in S.C.No.179 of 2016 as against the accused persons. Thereafter, since the petitioner absconded the case was split up as against the petitioner and reassigned as S.C.No.33 of 2017. He would submit that earlier the first accused had filed a quash petition before this Court in Crl.O.P.No.16086 of 2019 and the same was dismissed by this Court by order dated 24.06.2019 directing the trial Court to complete the proceedings in S.C.No.179 of 2016 within a period of four months . He would further submit that PW-1 to PW-3 have been examined so far and if bail is granted to the petitioner at this stage, there is every possibility of him absconding and it would derail the progress of the trial.

5. Taking into consideration the submissions made by the learned Counsels and the fact that the case is of the year 2008 and that already there is already a direction to the trial Judge to complete the trial within four months, this Court is not inclined to grant bail to the petitioner.

6. However, direction is issued to the trial Judge to give priority and complete the trial in S.C.No.33 of 2017 along with S.C.No.179 of 2016 within a period of four months from the date of receipt of a copy of this order as per the direction of this Court dated 24.06.2019 in Crl.O.P.No.16086 of 2019.

7. With the above direction, this Criminal Original Petition is disposed of.

सत्यमेव जयते

-sd/-

09/10/2020

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 II ADDITIONAL DISTRICT AND  
SESSIONS JUDGE, TIRUPPUR.

2 THE SUPERINTENDENT,  
CENTRAL PRISON, COIMBATORE.

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

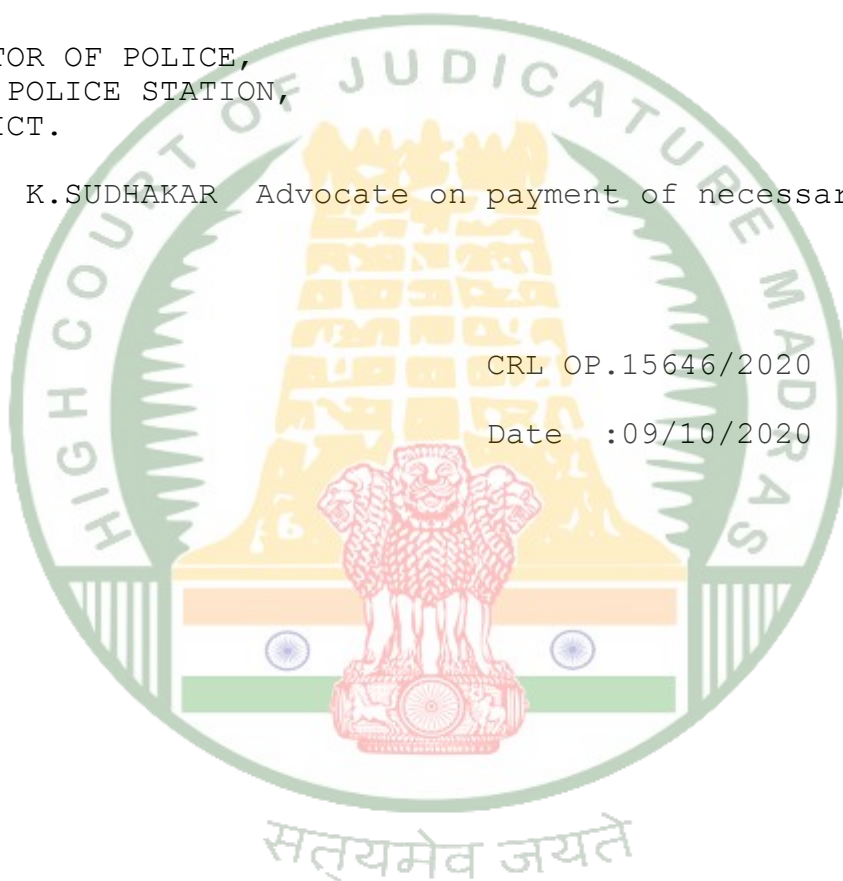
4 THE INSPECTOR OF POLICE,  
TIRUPPUR RURAL POLICE STATION,  
TIRUPPUR DISTRICT.

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

CRL OP.15646/2020

Date :09/10/2020

cs 21/10/2020



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