

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. 15791 of 2020

Prakash

... Petitioner

Vs.

State, Rep. By

... Respondent

The Inspector of Police,
G-5, Secretariat Colony Police Station,
Chennai.

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in S.C.No.348 of 2014 pending on the file of the XIX Additional District Judge at Chennai.

For Petitioners : Mr.D.Jaisankar

For Respondent : Mr.T.Shunmugarajeswaran

Government Advocate (Crl. Side)

ORDER

(The case has been heard through video conference)

The petitioners who were arrested and remanded to judicial custody on 29.07.2020 for the offences punishable under Sections **147, 148, 364, 302 read with 201 & 149 of IPC, in Crime No.740 of 2013** on the file of the respondent police, seeks bail.

2. It is a case of jumped bail. The petitioner is facing trial in S.C.No.348 of 2014 on the file of the XIX Additional District Judge, Chennai, for the offences under Sections 147, 148, 364, 302 read with 201 & 149 of IPC. The trial Court had issued NBW against the petitioner on 19.12.2019. Pursuant to which he was arrested on 29.07.2020.

3. The learned Counsel for the petitioner would submit that the petitioner due to illness was unable to appear before the Court on 09.12.2019 and thereby, the trial court had issued NBW against the petitioner pursuant to which, the petitioner was arrested on 29.07.2020 and the petitioner has been in judicial custody for more than two months. Hence, he seeks for grant of bail.

4. The learned Government Advocate (Crl. Side) would vehemently oppose stating that this is the case of the year 2013. The petitioner did not appear before the trial Court on 19.12.2019 and there by NBW was issued against the petitioner pursuant to which, the petitioner was arrested and remanded to judicial custody on 29.07.2020. He would submit that there are totally 23 witnesses in this case and all the 23 witnesses have been examined and that only the Investigation Officer remains to be examined. He would further submit that there are four previous cases against the petitioner and in all the cases NBW, are pending and if bail is granted at this stage, there is every possibility of him absconding and it would derail the progress of trial.

5. In view of the above submissions made by the learned Counsels and the fact the trial is at the stage of examination of Investigating Officer, this Court is not inclined to grant bail to the petitioner at this stage.

6. However, direction is issued to the learned Trial Judge to give priority to the case in S.C.No.348 of 2014 and complete the trial as expeditiously as possible.

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

-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 XIX ADDITIONAL DISTRICT JUDGE,
CHENNAI.

2 THE INSPECTOR OF POLICE,
G-5, SECRETARIAT COLONY POLICE STATION,
CHENNAI.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE OFFICER INCHARGE
SUB JAIL, THIRUVALLUR.

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

CRL OP.15791/2020

Date :09/10/2020