

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 15.10.2020

CORAM :

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

Crl.O.P.No.15449 of 2020

Kumar

... Petitioner

Vs.

State by

Inspector of Police

Krishnapuram Police Station

Dharmapuri

(Crime No.113 of 2013)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.113 of 2013 on the file of the respondent police.

For Petitioner : Mr.M.Selvam

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 12.09.2020 for the offence punishable under Sections 147, 148, 341, 323, 506(ii) IPC read with Section 3 of TNPPDL Act in Crime No.113 of 2013 on the file of the respondent, seeks bail.

2. It is a case of jumped bail. The petitioner was arrested on 12.09.2020 pursuant to the Non Bailable Warrant issued by the learned Judicial Magistrate-II, Dharmapuri, on 24.09.2018.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. He would submit that absconding charge sheet had been filed against the petitioner and the petitioner was not aware of the case. While so, the petitioner was arrested on 12.09.2020. Hence, he seeks for grant of bail.

4. Per contra, the learned Government Advocate (Crl.Side) appearing for the respondent would vehemently oppose stating that the the case of the year 2013. It is true that absconding charge sheet was filed against the petitioner. Thereafter summon was served on the petitioner following which, the petitioner appeared before the Court on 18.07.2018 and 16.08.2018 and later he did not appear on 29.08.2020. Thereby, on 24.09.2018 the trial Court issued warrant against the petitioner. He would submit that there are 12 accused in this case and the petitioner is arrayed as A9 in this case. He would

submit that all the accused have been taking turn one after another in absconding themselves and thereby it is difficult to commit the case before the Court of Sessions and if, the petitioner is granted bail at this stage, there is every possibility of him absconding. He would further submit that as on date other accused are appearing and that the case is posted for next hearing on 28.10.2020.

5. On earlier occasion, the learned Counsel for the petitioner had represented before this Court that absconding charge sheet has been filed against the petitioner and since the petitioner was not aware of the case, the petitioner did not appear before the Court. Where as, it is seen that the petitioner has appeared before the trial Court on 18.07.2018 and 16.08.2018 and thereafter, he has absconded.

6. Taking into consideration the case is of the year 2013 and due to the absence of the petitioner, the trial Court is unable to commit the case before the Court of Sessions and that the case is still pending in P.R.C. No.34 of 2018 on the file of the Judicial Magistrate-II, Dharmapuri, this Court is not inclined to grant bail to the petitioner for the present.

7. This Criminal Original Petition stands dismissed accordingly.

-sd/-

15/10/2020

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 JUDICIAL MAGISTRATE NO.II, DHARMAPURI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 INSPECTOR OF POLICE,
KRISHNAPURAM POLICE STATION,
DHARMAPURI.

4 THE OFFICER INCHARGE,
SUB PRISON, DHARMAPURI

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

CRL OP.15449/2020

Date :15/10/2020

RVR 22/10/2020

<https://hcservices.ecourts.gov.in/hcservices/>