

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2020

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.16681 of 2020

J.Johnson

... Petitioner

Vs.

State rep by its,
Inspector of Police,
Tiruvallur Taluk Police Station,
Tiruvallur.
Crime No.1044 of 1996

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of the Code of Criminal Procedure, to enlarge the petitioner on bail in S.C.No.8 of 2006 pending on the file of the I Additional Sessions Judge, Tiruvallur.

For Petitioner : Mr.Ganesh Kumar
for Mr.S.Shrenik Raj

For Respondent : Mr.C.Iyyappa Raj
Additional Public Prosecutor

ORDER

The petitioner, who is an accused in S.C.No.8 of 2006 was arrested on 31.01.2020 pursuant to the Non-Bailable Warrant, seeks bail.

2.The contention of the learned counsel for the petitioner is that the petitioner was arrested on 31.01.2020 in pursuant to the Non-Bailable warrant and he has been in confinement for the past 135 days. Due to the prevailing situation, the trial could not be proceeded and the petitioner has been kept in prolonged confinement. The learned counsel further submitted that the petitioner was residing with his family in Tuticorin and he will abide by any condition and will not abscond, hereafter. Further, to instruct his counsel and to effectively defend the case, the petitioner to be granted on bail.

3.The learned Additional Public Prosecutor appearing for the respondent submitted that the respondent registered a case in Crime No.1044 of 1996 on 06.12.1996, on the complaint of VAO of Pattaraiperumbudur Village for the alleged occurrence taken place on 05.12.1996. During investigation three accused namely Srinivasan/A1, Johnson/petitioner and Kuppan/A3 were arrested. The case of the prosecution is that the petitioner along with Srinivasan/A1 approached one Manohar to arrange a car for transporting hospitalized person from Tiruvallur to Chennai, on their request the said Manohar had arranged

Maruthi Omni Model car bearing registration number TSP 9333 from GK Travels belonging to one Kalidoss. While travelling from Chennai to Thiruvallur in Tiruttani Highway, the accused strangled the driver of the car namely one Shagul Hameed to death and thrown the body underneath the Kosasthalai river bridge in Pattaraiperumbudur Village, further they had also robbed the watch and other materials of the deceased. The respondent Police on completion of the investigation filed charge sheet against the petitioner and two others for the offence under Section 392, 302 r/w 34 and 201 r/w 34 IPC. The petitioner was arrested on 23.05.1997, remanded to judicial custody. Thereafter, the petitioner was granted bail on 16.03.1999 after 21 months. The petitioner was appearing before the trial Court regularly till 2003. Thereafter, the petitioner absconded himself and the case against the petitioner was split up in S.C.No.8 of 2006.

4.The learned Additional Public Prosecutor further submitted that the learned I Additional Sessions Judge, Tiruvallur, after fulfilled trial in S.C.No.304 of 1998 [Mother Case] acquitted Kuppan/A3 and convicted Srinivasan/A1. After a period of 17 years on 31.01.2020 with

great difficulty, the respondent Police secured the petitioner. If the petitioner is enlarged on bail, he would abscond and the trial in S.C.No.8 of 2006 would be stalled. The petitioner had been absconding for nearly 17 years.

5. He further submitted that this a second bail petition filed by the petitioner. The earlier bail petition in Crl.OP.No.9279 of 2020 dated 09.07.2020 was dismissed by this Court considering that the petitioner was absconded for nearly 17 years and the case in S.C.No.304 of 1998 was split up and S.C.No.8 of 2006 was assigned and on 31.01.2020, NBW was executed. There is no change of circumstance till date, hence, he opposed for granting bail to the petitioner.

6. Considering the facts and circumstances of the case and the submission made by the learned Additional Public Prosecutor, it is seen that this is a second bail petition and there is no change of circumstances till date. At this stage, granting of bail to the petitioner would only further delay the trial in S.C.No.8 of 2006.

7.In view of the same, this Court is not inclined to grant bail to the petitioner. The petition is dismissed, accordingly. Considering that there are 18 witnesses in this case and the submissions of the learned Additional Public Prosecutor endeavour to complete the trial without delay, this Court directs the trial Court to complete the trial within a period of four months from the date of receipt of a copy of this order.

29.10.2020

Index: Yes/No
Internet: Yes/No

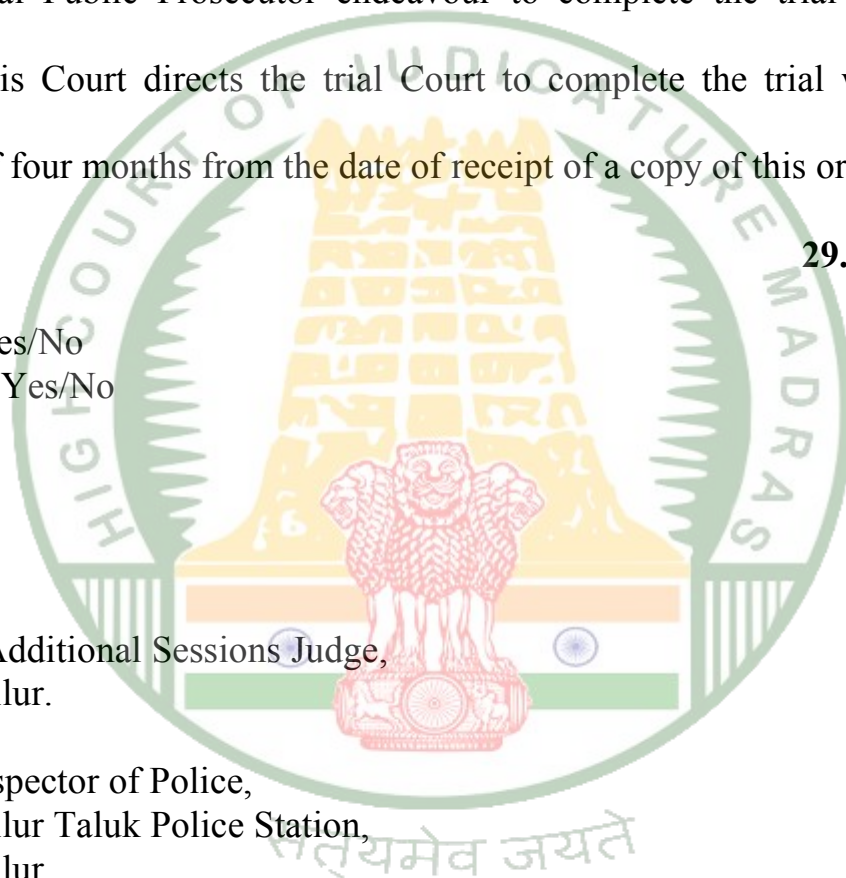
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To

1.The I Additional Sessions Judge,
Tiruvallur.

2.The Inspector of Police,
Tiruvallur Taluk Police Station,
Tiruvallur.

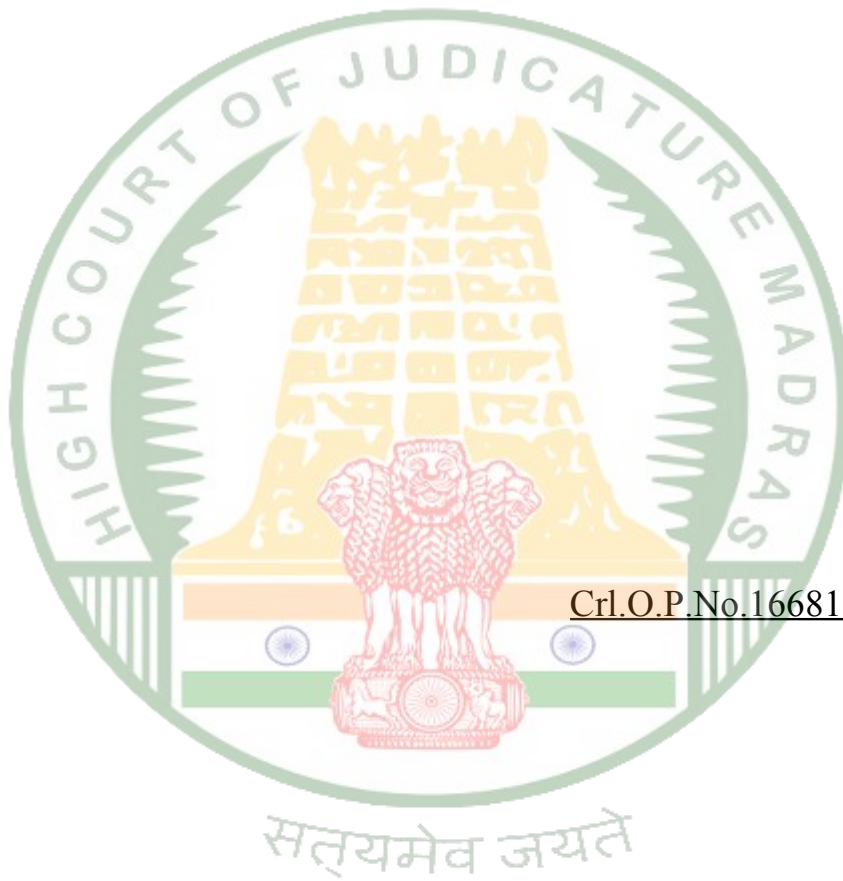
3.The Public Prosecutor,
High Court Madras.



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M.NIRMAL KUMAR, J.

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