

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.12.2020

CORAM :

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

CRL.O.P.No.20126 of 2020

Vijay @ Right

... Petitioner

Vs.

State represented by
Sub Inspector of Police,
Kaveripakkam Police Station,
(Crime No.181 of 2010)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in connection with Crime No.181 of 2010 on the file of the respondent.

For Petitioner : Mr.B.S.Manikandan

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl. Side)

O R D E R

(The cases have been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 29.01.2020 for the offence punishable under Sections 364, 302, 394 r/w 397, 302 r/w 201, 120(b), 34 of IPC, in Crime No.181 of 2010 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.254 of 2013 along with other accused for the offences under Section 364, 302, 394 r/w. 397, 302 r/w. 201, 120(b), 34 IPC. The petitioner did not appear before the Court on 16.09.2019 due to illness, hence, the Trial Judge had issued a Nonailable Warrant (NBW) of arrest against him, pursuant to which, the petitioner was arrested on PT warrant and produced before the Court and he is in custody from 29.01.2020, for almost 10 months, thereby, he would seek for bail.

3. The learned Government Advocate (Crl. Side) would vehemently oppose stating that it is a jumped bail and the crime is of the year 2010. He would further submit that S.C.No.254 of 2013 had been taken on file and it is pending trial on the file of the learned Additional District & Sessions Judge-II, Vellore, Ranipet. He would further submit that the petitioner is a habitual offender, against whom, there are several cases. Viz. Crime No.181 of 2010 was registered by the Kaveripakkam Police Station, Crime No.147 was registered by the

Bagayam Police Station, Crime No.387 of 2013 was registered by the Manimangalam Police Station, Crime No.321 of 2014 was registered by the Sungavachathiram Police Station and Crime No.639 of 2019 was registered by the Kaveripakkam Police Station. He would further submit that the petitioner was earlier absconded for about six years i.e. from 2014 to 2019 thereby, the petitioner was issued NBW of arrest and the same was recalled and that the petitioner had once again absconded from 16.09.2019. Hence, the learned trial Judge had issued NBW of arrest against him, pursuant to which, the petitioner was produced before the Court on PT warrant on 29.01.2020 with very great difficulty. He would further submit that the trial has commenced and at this stage, if the petitioner is let on bail, there are every chances of him getting absconded again and he would not be available for trial and it would delay the progress of the trial. He would reiterate that the crime is of the year 2010 and the petitioner was absconding for about six years, due to which, the trial could not proceeded further and prays for dismissal of the petition.

4. Taking into consideration of the fact that the petitioner had absconded for about six years and once again he absconded, due to which, NBW of arrest was issued against him and now the trial is progressing, this Court is not inclined to grant bail to the petitioner.

5. This Criminal Original Petition stands dismissed accordingly.

-sd/-
17/12/2020

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 PUBLIC PROSECUTOR, HIGH COURT, MADRAS.
- 2 THE SUPERINTENDENT, CENTRAL PRISON, VELLORE
- 3 THE SUB INSPECTOR OF POLICE,
KAVERIPAKKAM POLICE STATION.

CC to B.S.MANIKANDAN Advocate on payment of necessary charges

CRL OP.20126/2020
Date :17/12/2020

GKS:28/12/2020