

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No. 16336 of 2020

Karthick Prakash @ Ondiveeran

... Petitioner/2nd Accused

Vs.

The State represented by,
The Inspector of Police,
Avinasipalayam Police Station,
Tiruppur District.
Crime No.136 of 2016

... Respondent/ Investigating Agency

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in S.C.No.108 of 2018 pending on the file of the learned Principal Sessions Judge, Tiruppur.

For Petitioner : Mr.V.A.Dhana Aravindh Balaji

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 10.06.2020 for the offences punishable under Section 457, 395, 397 of IPC in S.C.No. 108 of 2018 on the file of the learned Principal Sessions Judge, Tiruppur, seeks bail.

2 It is a case of jumped bail. The petitioner is arrayed as second accused and facing trial in S.C.No. 108 of 2018 on the file of the learned Principal Sessions Judge, Tiruppur, for the offences under Sections 457, 395, 397 of IPC. Since, the petitioner did not appear before the Trial Court on 08.01.2020, the learned Judge had issued Non-bailable warrant of arrest against the petitioner. Pursuant to the which, the petitioner has been arrested on 10.06.2020.

3 The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would submit that on 08.01.2020, the petitioner could not appear before the Court due to his illness and thereby, the learned Trial Judge had issued non-bailable warrant of arrest on the same day and pursuant to which, the petitioner was arrested on 10.06.2020 and till date, he is in custody. He would further submit that the petitioner is prepared to abide by any stringent condition that may be imposed on him by this Court and he is prepared to furnish sufficient sureties. Hence, he prays to grant bail to the petitioner.

4 The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner is a habitual offender, against him there are several cases pending before the various Districts of Tamil Nadu and he had also produced the list of previous cases against the petitioner as detailed below:

S.No	Crime No.	Offences U/s	Stage
1	Cr.No.136 of 2016 Avinasipalayam P.S.	Sec. 395, 397, 457 IPC	P.T.
2	Cr.No.47 of 2015 Bodinayakanur P.S.	Sec. 114, 397 IPC	P.T.
3	Cr.No.177 of 2017 Thalaivasal	392, 397 IPC	N.T.F.
4	Cr.No.307 of 2017 Thiyadurugam P.S.	Sec.120B, 392, 397, 457 IPC	P.T.
5	Cr.No.41 of 2018 Modakkurichi P.S.	457, 380 IPC	P.T.
6	Cr.No.239 of 2018 Modakkurichi P.S.	392, 506(ii) IPC	P.T.
7	Cr.No.613 of 2016 Bodinayakanur P.S	294(b), 326, 506(ii) of IPC	

5 At this juncture, the learned counsel for the petitioner would seek for a direction to the learned Trial Judge to complete the trial at the earliest.

6 Per contra, the learned Government Advocate (Crl.Side) would further submit that there are two accused in this case and that the petitioner and the other accused have been taking turns and absconding themselves wilfully in order to delay the process of trial and till date the charges have not been framed. He would further submit that the other accused is also absconding and non-bailable warrant of arrest is pending against him. He would submit that the petitioner has also moved a bail application in respect of Crime No. 307 of 2017, registered by the Thiyadurugam Police Station, for the offences under Sections 120B, 392, 397, 457 IPC and in that case, the investigation has been completed and the case is pending committal in PRC.No.18 of 2018, on the file of the learned Judicial Magistrate No.II, Kallakkurichi. He would submit that in all these cases, the petitioner is repeatedly absconding and he has also got several cases in various districts of Tamil Nadu. He would further submit that at this stage, if bail is granted to the petitioner, there is every possibility of him getting absconded. He would submit that the other accused in this case is also absconding and thereby, the trial Judge is unable to proceed the trial further. He would further submit that the respondent police shall take steps to secure the other accused or

else the trial Judge shall take steps in accordance with law to split up the case.

7 Taking into consideration of the facts and submissions made by the learned counsel and also considering the fact that the petitioner is a habitual offender who has involved in several cases of similar nature and that the petitioner has been absconding for a long time, this Court is not inclined to grant bail to the petitioner. Hence, this Criminal Original Petition stands dismissed.

-sd/-

14/10/2020

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 PRINCIPAL SESSIONS JUDGE,
TIRUPPUR.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
AVINASIPALAYAM POLICE STATION,
TIRUPPUR DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

CC to M/S.V.A.DHANA ARAVINDHA BALAJI Advocate on payment of necessary charges Sr.7055

CRL OP.16336/2020

Date :14/10/2020

RVR 23/10/2020

WEB COPY