

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.10.2020

CORAM :

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

CRL.O.P.No.16862 of 2020

Ramki

... Petitioner

Vs.

State rep. By

... Respondent

The Inspector of Police,
Tambaram Police Station,
Chengalpattu.
(Crime No.609 of 2009)

PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.609 of 2009 on the file of the respondent police.

For Petitioner : Mr.T.Padmanabhan

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

ORDER

(The cases have been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 10.06.2019 for the offence punishable under **Section 302 of IPC**, in Crime No.609 of 2009 on the file of the respondent police, seeks bail.

2. It is a case of jumped bail. Since the petitioner did not appear before the trial Court on 14.12.2016 in connection with case in S.C.No.252 of 2009, the learned Additional District and Sessions Judge, Chengalpattu, issued NBW against the petitioner pursuant to which, the petitioner was arrested on 10.06.2019.

3.The learned counsel appearing for the petitioner would submit that the petitioner was regularly appearing before the trial Court and on 14.12.2016, the petitioner had to attend the funeral ceremony of his paternal uncle and thereby, he was unable to appear before the trial Court following which, the learned Sessions Judge issued NBW against the petitioner. Thereafter, the petitioner was arrested in another case and the respondent arrested the petitioner on 10.06.2019 through P.T. Warrant. He would submit that the petitioner has been suffering incarceration for more than one year and that the petitioner undertakes to appear before the trial Court on all future hearing dates without fail. Hence, he prays for grant

of bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would vehemently oppose stating that the case is of the year 2009 and the petitioner along with other accused was charged for offence under Section 302 IPC and that the case has been taken on file in S.C.No.252 of 2009 on the file of the Additional District and Sessions Judge, Chengalpattu. He would submit that the petitioner did not appear before the Court on 14.12.2016 and thereby, the trial Court had issued NBW against the petitioner and that the petitioner was arrested on 10.06.2019 after a period of 2½ years through P.T. Warrant. He would submit further submit that all the witnesses have been examined and only the Investigation Officer remains to be examined. He would further submit that apart from this case, the petitioner has got 36 cases to his credit as detailed below;

S.No.	Station	Crime No.	Sections
1	S11 Tambaram P.S.	609/2009	302 IPC
2	Anna Nagar P.S.	1060/2009	147, 148, 341, 394, 324, 307, 506(ii) IPC
3	Thiru.Vi.Ka.P.S.	210/2010	341, 392, 397, 336, 506(ii) IPC
4	R.K.Nagar P.S.	569/2011	341, 324, 506(ii) IPC
5	S8 Adambakkam P.S.	476/2011	379 IPC
6	Rajamangalam P.S.	1712/2011	379 IPC
7	S7 Madipakkam P.S.	1005/2011	457, 380 IPC
8	Koratur P.S.	06/2012	457, 380 IPC
9	Koratur P.S.	213/2012	294(b), 323, 392, 397, 506(ii) IPC
10	Adyar P.S.	202/2012	379 IPC
11	SRM P.S.	26/2012	379 IPC
12	Kodungaiyur P.S.	74/2012	379 IPC
13	S6 Sankar Nagar P.S.	4249/2012	379 IPC
14	Kodungaiyur P.S.	176/2012	379 IPC
15	Sriperumbuthur P.S.	948/2013	147, 148, 294(b), 341, 324, 323, 307 IPC
16	S11 Tambaram P.S.	843/2013	379 IPC
17	S12 Chitlapakkam P.S.	664/2013	379 IPC

18	S12 Chitlapakkam P.S.	782/2013	341, 294(b), 379, 336, 427, 506(ii) IPC
19	Pattabiram P.S.	01/2014	147, 148, 341, 325, 302 IPC
20	Puzhal P.S.	955/2014	341, 294(b), 336, 427, 392, 397, 506 (ii) IPC
21	Sholavaram P.S.	185/2014	399 IPC
22	Maharal P.S. (Kanchee)	44/2015	120(b), 147, 148, 302 r/w 3 of TNPPDL Act
23	Kanchipuram T.K.P.S.	141/2015	294(b), 307, 506(ii) IPC r/w 3 of TNPPDL Act
24	S15 Selaiyur P.S.	02/2015	457, 380 IPC
25	S15 Selaiyur P.S.	91/2015	379 IPC
26	Thiruvanmiyur P.S.	616/2015	379 IPC
27	Valathi P.S.	103/2016	457, 380 IPC
28	Thirumullaivail P.S.	1941/2017	341, 294(b), 323, 336, 427, 392, 397, 506(ii) IPC
29	Sembiyam P.S.	866/2018	341, 336, 397, 506 (ii) IPC
30	Sembiyam P.S.	382/2018	457, 380 IPC
31	Sembiyam P.S.	503/2018	379 IPC
32	Sembiyam P.S.	533/2018	379 IPC
33	Sembiyam P.S.	776/2018	379 IPC
34	S15 Slaiyur P.S.	400/2018	379 IPC
35	Kodungaiyur P.S.	59/2019	379 IPC
36	Kelambakkam P.S.	254/2019	294(b) IPC r/w 7(1) CLA Act

5. Taking into consideration that the Sessions Case is of the year 2009 and the fact that all the witnesses have been examined and the Investigation Officer only remains to be examined and also taking into account the antecedents of the petitioner, this Court is not inclined to grant bail to the petitioner.

6. However, the learned Additional District and Sessions Judge, Chengalpattu, is directed to complete the trial in S.C.No.252 of 2009 as expeditiously as possible preferably within a period of six months from the date of receipt of a copy of this order.

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

-sd/-

28/10/2020

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 ADDITIONAL DISTRICT AND SESSIONS JUDGE,
CHENGALPATTU.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
TAMBARAM POLICE STATION,
CHENGALPATTU.

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI AT CHENNAI.

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

CRL OP.16862/2020

Date :28/10/2020

TA-03/11/2020

सत्यमेव जयते

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