

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.10.2020

CORAM :

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

CRL.O.P.No.16472 of 2020

Desingu

... Petitioner

Vs.

State rep.by

The Inspector of Police,
Chilapakkam Police Station,
Chengalpattu District.
(Crime No.233/2011)

.... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in S.C.No.131 of 2012 pending trial on the file of the Additional District and Sessions Judge, Chengalpattu.

For Petitioner : Mr.S.Rajinikanth

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 18.09.2020 for the offences punishable under Section 147, 145, 341, 302 r/w 34 of IPC in Crime No.233 of 2011 on the file of the respondent police, seeks bail.

2.It is a case of jumped bail. The petitioner is A1 in this case and facing trial in S.C.No.131 of 2012, pending on the file of the learned Additional District Judge, Chengalpattu, for the offences under Section 147, 145, 341, 302 r/w 34 of IPC. The petitioner was originally granted bail by the Trial Court and on 01.03.2018, during trial the petitioner did not appear before the Trial Court, pursuant to which the learned Trial Judge had issued NBW and the petitioner was secured on 18.09.2020 and he is in custody for the past one month.

3.The learned counsel appearing for the petitioner would submit that the petitioner was unable to appear before the Trial Court on 01.03.2018 due to illness, thereby, the learned Trial Judge had issued NBW of arrest and the petitioner was arrested pursuant to the warrant issued on 18.09.2020.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would vehemently oppose stating that the crime is of the year 2011 and a case was taken up on file in S.C.No.131 of 2012 on the file of the learned Additional District Judge, Chengalpattu. He would further submit that from the year 2012, the accused in this case were taking turns and absconding and hence the Trial Court was unable to frame charges for the past five years. He would further submit that the petitioner was absconding from 01.03.2018 and the warrant of arrest could be executed with much difficulty only after 2 ½ years i.e. on 18.09.2020, At this stage, if the petitioner is granted bail, the petitioner may abscond and will not appear before the Trial Court for framing of charges and thereby derail the progress of trial.

5.Taking into consideration of the facts and submissions so made by the learned Government Advocate (Crl. Side), this Court is not inclined to grant bail to the petitioner.

6.This Criminal Original Petition stands dismissed accordingly.

-sd/-

16/10/2020

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 OFFICER INCHARGE,
SUBJAIL, CHENGALPATTU

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
CHITLAPAKKAM POLICE STATION,
CHENGALPATTU DISTRICT.

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

CRL OP.16472/2020

Date :16/10/2020

RVR 22/10/2020