

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2020

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

Crl.O.P.No.17743 of 2020

Ramki

...Petitioner/Accused

Vs.

State rep. by
Inspector of Police,
Tambaram Police Station,
(Crime No. 609 of 2009)

...Respondent/Complainant

Prayer:Criminal Original Petition filed under Section 438 of Cr.P.C., to enlarge the petitioner on bail pending trial S.C.No. 252 of 2009 on the file of the Additional District Judge, Chengalpattu.

For Petitioner : Mr. A. Nirmal Kumar
For Respondent : M/s. Saradha Devi
Government Advocate (Crl. Side)

ORDER

(This case has been heard through video conference)

The petitioner, who was arrested by the respondent police on 10.06.2019 for the alleged offence punishable under Section 302 IPC and remanded to judicial custody, seeks bail.

2. The petitioner is an accused in S.C.No. 252 of 2009 on the file of the Additional Sessions Court at Chengalpattu.

3. It is the claim of the learned counsel for the petitioner that the petitioner was produced before the Court on Prisoner on Transit warrant and thereafter, was arrested and the learned counsel stated that taking the custody of the petitioner itself was bad in law. The learned counsel stated that the petitioner has been in incarceration for the past one and half years.

4. The learned Government Advocate (Crl. Side) appearing for the State filed a counter in which it is stated that the petitioner actually surrendered before the learned Judicial Magistrate Court No.I at Chengalpattu on 01.07.2009 and was granted bail on 29.10.2009. Thereafter, he absconded and failed to appear during the trial and non-bailable warrant was issued on 14.12.2016 and on the production of the petitioner, he was taken into custody in this particular case on 10.06.2019. It was also stated that trial is in progress and only the Investigating Officer has to be examined.

5. It had also been very specifically stated that the petitioner had threatened the List Witness No.6 and tried to coerce her to turn hostile. The List Witness No.6 then gave a report before the Additional Sessions Court complaining about the influence exerted by the petitioner herein and the threat held out to her.

6. In the counter, it has also been stated that the petitioner was involved in 36 previous cases, the details of which have also been given. It was also stated that the next hearing date of the trial is fixed on 21.12.2020 and the prosecution will take every effort to see that the trial itself is completed.

7. After hearing both the counsels, it is evident that the petitioner now facing trial in Sessions Case No. 252 of 2009 on the file of the learned Additional District Judge at Chengalpattu, appears to have an habit of not only being involved in various criminal offences, but also to abscond from judicial process. The petitioner was granted bail on 29.10.2009. Had he appeared for the trial and participated in the trial proceedings diligently, then the trial could have been completed by this time. But he abscond and was secured once again only in the year 2019. The prosecution cannot be blamed for any delay in the progress of the case. Now, only the Investigating Officer has to be examined. The averment that the petitioner coerced a witness to turn hostile is very serious.

8. In view of these facts, it would only in the interest of the petitioner that he takes up every effort to participate in the judicial process and see to it the trial comes to a quick

end. At this stage, it would not be appropriate to grant bail.
Hence, this Criminal Original Petition is dismissed.

Sd/-
Assistant Registrar (CS-VII)

// True Copy//

Sub Assistant Registrar

vsg

To

- 1.The Additional District Court,
Chengalpattu.
- 2.The Inspector of Police,
Inspector of Police,
Tambaram Police Station,
- 3.The Public Prosecutor,
High Court of Madras.

Cr1.O.P.No.17743 of 2020

AJS (CO)
KKV/11/12/2020