

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.11.2020

CORAM

THE HONOURABLE Mr. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.17715 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 (CrI. 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 there are totally six accused in this case and the petitioner is A1 and that the case is now at the stage of framing of charges. He would submit that at this stage, if the petitioner is granted bail, he would abscond and the Trial Court will not be able to frame charges. He would submit that it is the case of the year 2011.

5.Taking into consideration of the facts and submissions 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.

-sd/-

10/11/2020

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 JUDGE,
CHENGALPATTU

2 THE OFFICER INCHARGE,
SUB-JAIL, CHENGALPATTU.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

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

CRL OP.17715/2020

Date :10/11/2020

MK:24/11/2020