

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.12.2020

CORAM :

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

CRL.O.P.No.18075 of 2020

Yuvaraj

... Petitioner

Vs.

State rep by
The Inspector of Police,
P3 Vyasarpadi Police Station
Chennai
(Crime No.16 of 2013)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail concerned in Crime No.16 of 2013 pending on the file of the respondent police.

For Petitioner : Mr.V.Dinesh Kumar

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 16.07.2020 for the offences punishable under Sections 147, 148, 341, 302 and 506(ii) read with 149 of IPC, in Crime No.16 of 2013 on the file of the respondent police, seeks bail.

2.It is a case of jumped bail. The petitioner was arrested on 16.07.20020 on execution of Non Bailable Warrant.

3.The learned counsel for the petitioner would submit that the petitioner was arrested on 16.07.2020 and is in custody for more than 150 days.

3. Mr.Sivakumar, Inspector of Police attached to the respondent police station is present before this Court through video conference. He would submit that the petitioner did not appear before the Court on 25.09.2019 and thereby the learned Metropolitan Magistrate had issued Non Bailable Warrant against the petitioner on 25.09.2019. He would submit that with very great difficulty, the warrant was executed on 16.07.2020. He

would further submit that it is the case of the year 2013 and that three accused in this case have died namely A1-Ravi, A2-Murali and A5-Danush. He would submit that there is some discrepancy in the death certificate of A5 and thereby he has applied for a fresh death certificate with correct name of the father and that the case has been posted to 06.01.2021 for framing of charges in respect of the remaining accused.

4.The learned Government Advocate (Crl. Side) appearing for the respondent would vehemently oppose stating that apart from this case, the petitioner has also got two previous cases, one is registered in Crime No.17 of 2013 and another case is registered in Crime No.278 of 2018 and further the case is now posted at the stage of framing charges and if bail is granted at this stage, there is every possibility of the petitioner absconding and it will derail the progress of trial and it would also be difficult for the learned Sessions Judge for framing charges.

5. Taking into consideration the facts and submissions of the learned Counsels and the fact that the petitioner was absconding from 25.09.2019 and he was arrested only on 16.07.2020 and that the case is posted on 06.01.2021 for framing charges, this Court is not inclined to grant bail to the petitioner at this stage.

6. Accordingly, this Criminal Original Petition stands dismissed.

-sd/-

10/12/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

सत्यमेव जयते
Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

2 THE INSPECTOR OF POLICE,
P3, VYSARPADI POLICE STATION,
CHENNAI.

+1CC to M/S.V.DINESHKUMAR Advocate on payment of necessary charges SR NO.8184

CRL OP.18075/2020

Date :10/12/2020