

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.12.2020

CORAM :

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

Crl.O.P.No.19543 of 2020

A.Hanifa @ Babu

... Petitioner

Vs.

The State by
The Inspector of Police
Karungalpalayam Police Station
Erode
Erode District
(Crime No.164/2013)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in S.C.No.126 2018 on the file of the learned I Additional District and Sessions Judge, Erode in Crime No.164 of 2013 on the file of the Respondent.

For Petitioner : Mr.K.Sudhakar

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

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 16.03.2020 for the offences punishable under Section 294 (b), 307, 364, 342, 302 r/w 32 and 201 IPC, in Crime No.164 of 2013 on the file of the respondent police, seeks bail.

2. It is a case of jumped bail.

3. The learned Counsel for the petitioner would submit that due to illness the petitioner was not able to appear before the Trial Judge on 19.12.2019, thereby, NBW was issued against the petitioner and he was arrested and remanded to judicial custody on 16.03.2020 on execution of NBW and that he has been suffering incarceration for about 9 months since then. Hence, he prays for bail.

4.The learned Government Advocate (Crl. Side) would submit that it is a case of jumped bail and that the case is of the year 2013. The accused one after another did not appear before the Court and thereby prevented the Trial Court from framing charges. He would submit that now the case is committed to the Court of Sessions and

taken up in S.C.No.126 of 2018 and the case is posted for framing charges on 17.12.2020 and if bail is granted to the petitioner at this stage, there is every chance of him getting absconded and would prevent the Trial Court from framing charges. He would further submit that the bail petition of this petitioner filed by another counsel was dismissed by this Court vide order dated 27.07.2020 in Crl.O.P.No.11049 of 2020 and thereafter another petition was filed before this Court suppressing the earlier dismissal and the same was also dismissed by this Court vide Crl.O.P.No.13228 of 2020 by order 28.08.2020. Hence, he vehemently opposed for grant of bail.

5.Taking into consideration of the facts and circumstances and the submissions so made by the learned Additional Public Prosecutor that the petitioner had been absconding from 19.12.2019 and was arrested only on 16.03.2020 and now the case has been committed to the Court of Sessions and psoted to 17.12.2020 for framing charges, this Court is not inclined to grant bail to the petitioner for the present.

6.This Criminal Original Petition stands dismissed accordingly.

-sd/-
11/12/2020

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 SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE
KARUNGALPALAYAM POLICE STATION,
ERODE DISTRICT.

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

CRL OP.19543/2020

Date :11/12/2020

MK:18/12/2020