

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.12.2020

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.19753 of 2020

Desingu

... Petitioner

Vs.

State rep.by

The Inspector of Police,
Chitlapakkam 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 case has 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 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 issued NBW against the petitioner and the petitioner was secured on 18.09.2020.

3. The learned counsel for the petitioner submitted 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 and the petitioner was arrested on 18.09.2020 on execution of NBW. He would further submit that this is the third application for bail and the earlier petitions were dismissed by this Court in Crl.O.P.Nos.16472 and 17715 of 2020 by order dated 16.10.2020 and 10.11.2020 respectively and that the petitioner has been suffering incarceration for more than 85 days from 18.09.2020. Hence, he prays for grant of bail.

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 in absconding and thereby, the Trial Court was unable to frame charges for the past 8 years. He would further submit that the petitioner was absconding from 01.03.2018 and with much difficulties, the petitioner was arrested on 18.09.2020 after a period of 2½ years. 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.

5. Taking into account that the Sessions Case is of the year 2012 and the petitioner was absconding for 2½ years and since, the accused were taking turns in absenting themselves, the trial Judge is unable to frame the charges for the past 8 years, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition stands dismissed.

-sd/-

14/12/2020

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 PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

3 THE OFFICER INCHARGE ,
SUB JAIL, CHENGALPATTU

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

CRL OP.19753/2020

Date :14/12/2020

GKS:06/01/2021



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