

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.12.2020

CORAM :

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

CRL.O.P.No.19210 of 2020

Rajkumar

... Petitioner

Vs.

State Rep. by,  
The Station House Officer,  
Muthiyalpet Police Station,  
Puducherry.  
(Crime No.367 of 2009)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in SC No.43/2020 pending trial before the learned III Additional Sessions Judge, Puducherry.

For Petitioner : Mr.U.Yuvaraj

For Respondent : V.Balamurugane,  
Additional Public Prosecutor, Puducherry

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 19.11.2019 for the offence punishable under Sections 147, 149, 202, 213, 309 & 302 IPC, in PRC No.78 of 2009 in Crime No.367 of 2009 on the file of the learned Judicial Magistrate -III, Puducherry, seeks bail.

2. It is a case of jumped bail. The petitioner is facing trial in SC.No.43 of 2020 on the file of the learned III Additional Sessions Judge, Puducherry, for the offence punishable under Section 302 IPC along with 11 other accused and since the petitioner did not appear before the learned Judicial Magistrate No.III, Puducherry in PRC No.78 of 2019, the learned Judge had issued NBW of arrest and in pursuant to which the petitioner has voluntarily surrendered on 19.11.2019 and he has been remanded to judicial custody.

3. The learned counsel appearing for the petitioner would submit that the petitioner, coming to know the pendency of NBW voluntarily surrendered before the learned Judge on 19.11.2019 and he is in custody for more than a year. Accordingly, he would seek for bail.

4. The learned Additional Public Prosecutor appearing for the respondent police would vehemently oppose stating that the petitioner is an habitual offender, against whom there are as many as 21 criminal cases pending. Out of 21 cases, the petitioner was involved in 3 cases registered for the offence punishable under Section 302 of IPC. He would submit that this is the case of the year 2009 relating to Crime No.367 of 2009. Out of the 21 cases, as the petitioner/accused did not appear before the Committal Court for several occasions, the learned Magistrate was unable to commit PRC No.78 of 2009 to the Sessions Court. In such circumstances, the learned Judicial Magistrate issued NBW of arrest and even during the pendency of the NBW of arrest, the petitioner was involved in several cases and that only after the arrest of this petitioner, now the case has been committed to the Court of Sessions which was taken up on file as SC No.43 of 2020. He would submit that the charges have not been framed so far and the petitioner along with other accused are capable of protracting the trial by one way or other. In view of these facts, he would vehemently oppose for grant of bail.

5. It is seen that it is a case of the year 2009 registered in Crime No.367 of 2009 and that though the final report has been filed even during the year 2009 and taken up for committal in PRC No.78 of 2009 and due to the dilatory tactics adopted by the accused, the learned Judicial Magistrate was unable commit to case to the Court of Sessions and thereby the progress of the case was delayed whereas, the petitioner is stated to have surrendered on 19.11.2019.

6. The learned Additional Public Prosecutor would submit that the petitioner has got 21 cases out of which, 3 cases were registered for the offence under Section 302 IPC and that the petitioner is habituated to crime.

7. Heard the learned counsel on either side and perused the materials available on record.

8. Taking into consideration the fact that the petitioner is notorious and he got as many 21 previous cases of which, he was involved in 3 criminal cases of grave nature of offence punishable under Section 302 IPC, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition stands dismissed.

9. The learned trial Judge is directed to expedite the trial in this case. It is submitted by the learned Additional Public

Prosecutor that there are 34 witnesses to be examined. Considering the same, the learned trial Judge is directed to expedite the trial and complete the same as expeditiously as possible within a period of six months from the date of receipt of copy of this order.

-sd/-  
21/12/2020

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  
PUDUCHERRY

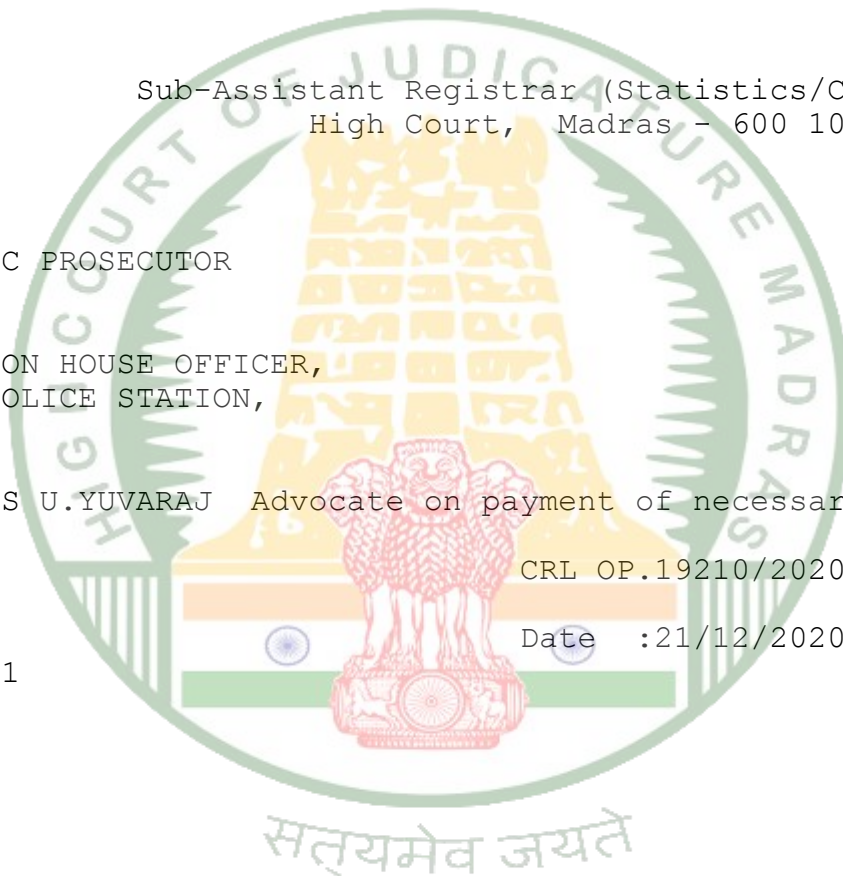
2 THE STATION HOUSE OFFICER,  
MUTHIYALPET POLICE STATION,  
PUDUCHERRY

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

CRL OP.19210/2020

Date :21/12/2020

GKS:06/01/2021



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