

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.19871 of 2020

Venkatesan

...Petitioner

Vs.

State Rep by

The Sub Inspector of Police

Walajapet Police Station

Vellore District

(Crime No.471 of 2013)

...Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No.471 of 2013 on the file of the respondent police.

For Petitioner : Mr.A.Saranraj

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 17.10.2020 for the offences punishable under Sections 120(B), 399 IPC read with Section 25(1B) (a) of Arms Act, in Crime No.471 of 2013, on the file of the respondent police, seeks bail.

2. It is a case of jumped bail. The petitioner who is a an accused in PRC.No.5 of 2018 on the file of the Judicial Magistrate-II, Walajapet, did not appear before the Court on 21.11.2019. Due to his non-appearance, the learned Judicial Magistrate issued NBW against the petitioner on 21.11.2019 and the same was executed by the respondent on 17.10.2020.

3. The learned Counsel appearing for the petitioner would submit that the petitioner was regularly appearing before the Court and on 21.11.2019 the petitioner was unable to appear before the Court due to illness. Thereby, the learned Magistrate issued NBW against the petitioner pursuant to which, the petitioner was arrested on 17.10.2020 and that the petitioner is in judicial custody for more than 2 months. Hence, he seeks for grant of bail.

4. The learned Government Advocate (Crl. Side) would submit that the petitioner is one among the seven accused who are facing trial in Crime No.471 of 2013 for the offences 120(B), 399 IPC read with Section 25(1B)(a) of Arms Act. He would submit that the accused were taking turns in appearing before the Court and they were preventing the Court from committing the case to the Court of Sessions. He would submit that the petitioner was absconding from 21.11.2019 and was arrested only on 17.10.2020. He would submit that since, all the accused were repeatedly absenting themselves, the learned Magistrate was unable to commit the case to the Court of Sessions. Apart from this case, the petitioner has got several case to his credit and if, bail is granted at this stage, it would derail the progress of trial. He would submit that the learned Counsel for the accused had undertaken before the trial Court to produce all the accused on 15.12.2020 so as to enable the Magistrate to commit the case to the Court of Sessions. However, they did not appear before the Court and now the stage of the case is, fresh summons pending for A3 and A4.

5. It is seen that this is the case of the year 2013 and due to absence of the accused, the learned Magistrate is unable to commit the case to the Court of Sessions and that the petitioner has got several cases to his credit. Further, the other accused have not appeared before the Court despite the undertaking given by their Counsel. Hence, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition stands dismissed.

-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 SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE SUB INSPECTOR OF POLICE,
WALAJAPET POLICE STATION,
VELLORE DISTRICT.

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

CRL OP.19871/2020

Date :21/12/2020