

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2020

CORAM

THE HONOURABLE Mr. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.19940 of 2020

Shankar

... Petitioner

Vs.

State

... Respondent

Inspector of Police,
H1 Washermenpet Police Station,
Chennai.
Crime No.140 of 2020

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No.140 of 2020, on the file of the respondent.

For Petitioner : Mr.S.Senthilvel

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

ORDER

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 18.11.2020, for the alleged offences under Sections 342, 452, 302 and 120(B) of IPC in Crime No.140 of 2020, on the file of the respondent police, seeks bail.

2. It is a case of jumped bail. The petitioner is the second accused in SC.No.286 of 2013 pending trial on the file of the learned XIX Additional Sessions Judge, Chennai. Since the petitioner did not appear before the Trial Court on 19.09.2019, the learned Trial Judge had issued Non-Bailable Warrant of arrest and the same was executed on 28.10.2020.

3. The learned counsel for the petitioner would submit that since the petitioner did not appear before the trial Court, the learned Trial Judge issued Non-Bailable Warrant of arrest, pursuant to which, the petitioner was arrested on 28.10.2020 and he is custody for the past two months.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that it is a case of jumped bail pertaining to Crime No.140 of 2020 and the case was taken up for trial during the

year 2013 in SC.No.286 of 2013. He would submit that there are totally four accused in this case. He would submit that since the accused have not appeared before the Court, the Trial Court was unable to proceed with the trial. He would submit that the third accused is the only accused, who has been regularly appearing before the Court and since the petitioner, A1 and A4 were absconding, the Trial Court issued Non-Bailable Warrant of arrest, pursuant to which, it was executed in respect of the petitioner. He would submit that A1 is still absconding and thereby, the learned Trial Judge is unable to proceed with the trial. He would submit that as far as this petitioner is concerned, apart from this case, he is involved in 12 cases registered by various police stations viz., (1) H1 PS Cr.No.140/2010 for the offences u/s 452, 341, 302 r/w 49 IPC; (2) H3 PS Cr.No.1152/2011 for the offences u/s 102 IPC; (3) S10 Pallikaranai PS Cr.No.131/2014 for the offence u/s 102 IPC; (4) J4 PS Cr.No.171/2014 for the offence u/s 341, 294(B), 324, 506(ii) of IPC; (5) J4 PS Cr.No.600/2015 for the offence u/s 392 IPC (6) J6 PS Cr.No.605/2015 for the offences u/s 294(b), 341, 323, 506(ii) IPC; (7) J6 PS Cr.No.411/2017 for the offences u/s 294(b), 341, 294(b), 323, 427, 336, 392, 506(ii) IPC; (8) J6 PS Cr.No.708/2015 for the offences u/s 341, 323, 294(b), 427, 336, 397, 506(ii) IPC; (9) E2 PS Cr.No.2445/2013 for the offences u/s 392, 397, 506(ii) IPC; (10) E2 PS Cr.No.2529/2015 for the offences u/s 341, 294(b), 324, 326, 307, 506(ii) IPC; (11) J6 PS Cr.No.1191/2016 for the offences u/s 341, 294(b), 323, 384, 506(ii) IPC; (12) J6 PS Cr.No.2619/2015 for the offences u/s 147, 148, 341, 294(b), 323, 397, 506(ii) IPC and (13) J6 PS Cr.No.2647/2016 for the offences u/s 147, 148, 341, 294(b), 323, 392 r/w 336, 427, 397 & 506(ii) IPC. He would submit that the first accused is still absconding and at this stage, if bail is granted to this petitioner, there is every chance of him absconding again and thereby, derailing the progress of the Trial.

5. Taking into consideration the facts and circumstances of the case and that the petitioner is involved in 13 cases and he has been absconding from 19.09.2019 and that the first accused is still absconding and the Trial Court is unable to proceed the trial, this Court is not inclined to grant bail to the petitioner.

6. Accordingly, this Criminal Original Petition is dismissed.

-sd/-

15/12/2020

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 ADDITIONAL SESSIONS JUDGE XIX,
CHENNAI.

2 THE INSPECTOR OF POLICE,
H1 WASHERMENPET POLICE STATION,
CHENNAI.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

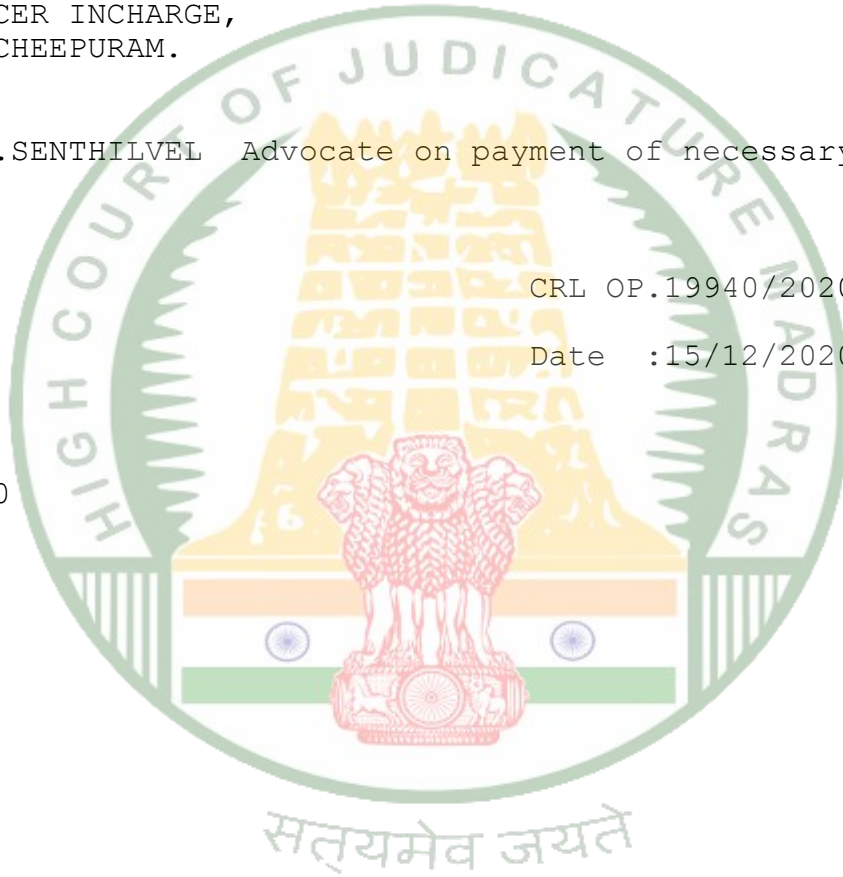
4 THE OFFICER INCHARGE,
SUB JAIL, KANCHEEPURAM.

CC to S.SENTHILVEL Advocate on payment of necessary charges

CRL OP.19940/2020

Date :15/12/2020

MN-28/12/2020



WEB COPY