

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.12.2020

CORAM :

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

CRL.O.P.No.19970 of 2020

Venkatesan

... Petitioner

Vs.

State Rep. by

The Sub Inspector of Police,

Walajapet Police Station

Vellore District.

(Crime No.701 of 2013)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in connection with Crime No.701 of 2013 on the file of the respondent.

For Petitioner : Mr.A.Saranraj

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

O R D E R

(The cases have 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), 148, 302, 201, 109, 212 IPC, in Crime No.701 of 2013, on the file of the respondent police, seeks bail.

2.It is a case of jumped bail. The petitioner is A10 in P.R.C. No.8 of 2018, pending committal on the file of the learned Judicial Magistrate No.II, Wallajapet, Vellore District. Since the accused have absconded one after another, the court was unable to commit the case to the court of sessions. It is a case of the year 2013, registered in Crime No.701 of 2013, since the petitioner did not appear before the court on 21.10.2019, the learned trial judge had issued an NBW of arrest, pursuant to which, the petitioner was arrested on 09.11.2020.

3.The learned counsel appearing for the petitioner would submit that the petitioner, due to his illness, could not appear before the court on 21.10.2019 and thereby the learned judge issued NBW of arrest and thereafter due to Covid-19, the petitioner was unable to surrender and that he was arrested on 19.11.2020, thereby, he would seek for bail.

4.The learned Government Advocate (Crl. Side) would vehemently oppose stating that it a case of they year 2013 and when the case was taken in P.R.C.No.8 of 2018 and pending committal on the file of the learned Judicial Magistrate No.II, Wallajapet, the accused have been taking turns in not appearing before the court, thereby, the learned Judicial Magistrate was unable to commit the case to the court of sessions. He would further submit that NBW is pending in respect of A3, A4, A7 and A12 and fresh summons is pending to A2, A6 and A11. While so, the petitioner was arrested on execution of NBW and the bail bond has been forfeited. He would further submit that as per the order of Lower Court, the learned counsel appeared for the petitioner had undertaken to produce all the accused before the Court on 15.12.2020, however, he had not produced them on 15.12.2020 and thereby the Trial court is unable to commit the case to the court of sessions. He would further submit that at this stage, if the petitioner is granted bail, there is every chance of him getting absconded again and it will be very difficult for the learned Magistrate to commit the case to the court of sessions. Accordingly he would seek for dismissal of bail application.

5.Heard the learned counsel on either side. Perused the materials placed on record. Till date the respondent have not served summons to A1,A2,A6 and A11. Hence, a direction is issued to the respondent to serve summons to them to appear before the court.

5.Taking into consideration of the facts and circumstances and that the petitioner has been absconding from 21.10.2019 and he was secured only on 19.11.2020 with great difficulty and that due to the absence of the petitioner, the case is pending committal, this court is not inclined to grant bail to the petitioner at this stage.

6.This Criminal Original Petition stands dismissed accordingly.

-sd/-
23/12/2020

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 JUDICIAL MAGISTRATE NO.II,
WALLAJAPET, VELLORE DISTRICT.

2 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

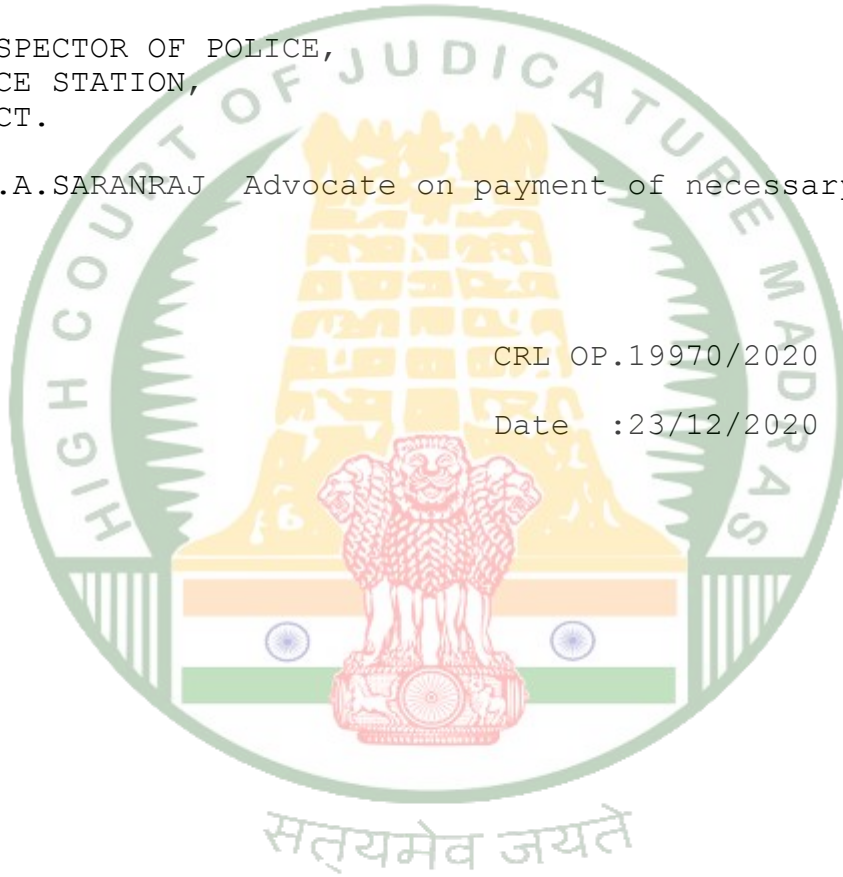
4 THE SUB INSPECTOR OF POLICE,
WALLAJAPET POLICE STATION,
VELLORE DISTRICT.

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

CRL OP.19970/2020

Date :23/12/2020

cs 11/01/2021



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