

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.12.2020

CORAM :

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

CRL.O.P.No.20183 of 2020

Suresh @ Suresh Kumar

... Petitioner

Vs.

State represented by

The Inspector of Police,
Maduravoyal Police Station,
Chennai Police.

(Crime No.395 of 2010)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in connection with Crime No.395 of 2014 on the file of the respondent.

For Petitioner : Mr.A.M.Rahamath Ali

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 22.10.2020 for the offence punishable under Section 353, 294(b), 332, 336, 427, 506(ii) & 307 IPC, in Crime No.395 of 2010 on the file of the respondent police, seeks bail.

2. It is a case of jumped bail. The petitioner is an accused in P.R.C.No.4 of 2012, pending on the file of the learned Judicial Magistrate No.II, Poonamallee. Since the petitioner did not appear before the trial court on 20.11.2016, the learned trial Judge had issued Non Bailable Warrant (NBW) of arrest, pursuant to which, the petitioner was arrested on 22.10.2020, after four years and he was remanded to judicial custody.

3. The learned counsel appearing for the petitioner would submit that the petitioner was appearing regularly before the trial Court during 2012 to 2016 and that the petitioner could not appear before the trial court on 20.11.2016, due to his illness, thereby, the trial judge had issued NBW of arrest, pursuant to which, the petitioner was arrested on 22.10.2020 and he is in custody for almost two months, thereby, he would seek for bail.

4. The learned Government Advocate (Crl. Side) would vehemently oppose stating that the crime is of the year 2010 and the final report filed in the year 2012 and when the case was pending, the accused one after another absconded, hence, the learned Judicial Magistrate was unable to commit the case to the Court of Sessions. He would further submit that the petitioner did not appear before the trial court on 20.11.2016, thereby, the trial judge had issued NBW against him, pursuant to which, the petitioner was produced on PT warrant before the Court on 22.10.2020 with very great difficulty, i.e. after four years. He would further submit that only now the case has been committed to the Court of Sessions, accordingly, prays for dismissal.

5. Taking into consideration of the fact that the petitioner has absconded for the past 4 years and the earlier NBW issued against him on 31.03.2015 for not appearing before the trial court was recalled and subsequently 2nd NBW of arrest was issued. Considering the fact that the petitioner was absconding for more than four years and that he has been arrested with very great difficulty, this Court is not inclined to grant bail to the petitioner.

6. This Criminal Original Petition stands dismissed accordingly.

-sd/-
17/12/2020

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 SUPERINTENDENT, CENTRAL PRISON, PUZHAI

3 THE INSPECTOR OF POLICE,
MADURAVOYAL POLICE STATION,
CHENNAI POLICE.

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

CRL OP.20183/2020

Date :17/12/2020

GKS:28/12/2020