

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.20113 of 2020

Nayagan

... Petitioner

Vs.

State represented by
The Inspector of Police
Nallur Police Station
Namakkal District
(Crime No.87 of 2012)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.87 of 2012 pending investigation on the file of the respondent.

For Petitioner : Mr.R.Marudhachalamurthy

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 07.12.2019 for the offences punishable under Section 395, 341, 395 r/w 397, 502(ii) IPC, in Crime No.87 of 2012, seeks bail.

2.It is a case of jumped bail. The petitioner is an accused in Crime No.87 of 2012, for the offences punishable under Section 395, 341, 395 r/w 397, 502(ii) IPC. The petitioner was originally arrested and remanded to judicial custody on 08.04.2012. After completion of investigation, the final report was also filed and the matter was take up for trial in S.C.No.90 of 2019. While the trial was going on, the petitioner absconded and thereby the Trial Court issued NBW. Since the petitioner was arrested in some other case, he was produced on P.T. warrant before the Trial Court on 07.12.2019.

3.The learned counsel appearing for the petitioner would submit that this is the 2nd application for bail and his earlier bail application was dismissed by this Court vide order dated 11.09.2020 in Crl.O.P.No.11171 of 2020.

4.The learned Government Advocate (Crl. Side) would vehemently oppose stating that it is a case of the year 2012. Originally, the case was taken up for trial in S.C.73 of 2017, then after abscondance of some accused it was split up and was taken in S.C.No.123 of 2018 and once again split up and now it has been taken up in S.C.No.90 of 2019. He would further submit that totally there are six accused and the petitioner is A6. One after the other the accused have started to abscond and the sessions case has been split up thrice. As of now, the case has been taken up in S.C.No.90 of 2019 and till date out of 10 witnesses, 9 witnesses have been examined and only the Investigation Officer is remaining to be examined and at this stage, if the bail is granted to the petitioner, there is every chance of the petitioner getting absconded and once again it would be difficult for the respondent police to arrest him. He would further submit that the case now stands posted on 07.01.2021 for the examination of Investigating Officer and he would undertake that the Investigation Officer will be produced for evidence on 07.01.2021 without fail. He would further submit that six previous cases of similar nature are pending against this petitioner and the petitioner was absconding for about six years and he was secured with very great difficulty.

5.Taking into consideration of the submissions made by the learned Government Advocate and also considering the fact that the trial is in the final stage and the petitioner has got six previous cases and the earlier bail application was dismissed by this Court vide dated 11.09.2020 in Crl.O.P.No.11171 of 2020 and there is no change of circumstances, this Court is not inclined to grant bail to the petitioner, however, a direction is issued to the respondent to let in the evidence of the Investigating Officer on 07.01.2021 without fail.

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

WEB COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE INSPECTOR OF POLICE,
NALLUR POLICE STATION,
NAMAKKAL DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

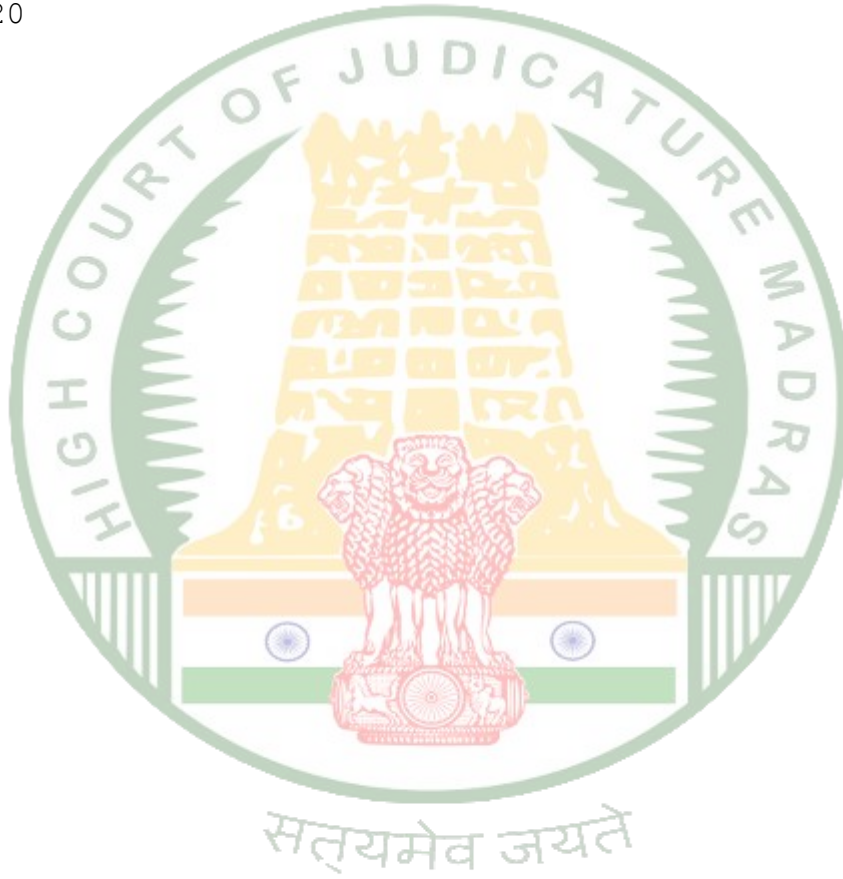
3 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

+1 CC to M/S. R.MARUDHACHALAMURTHY Advocate on payment of
necessary charges SR.NO.8325

CRL OP.20113/2020

Date :17/12/2020

TA-22/12/2020



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