

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.20114 of 2020

Vinoth @ Vinoth Kumar

... Petitioner

Vs.

State by,  
Inspector of Police,  
T4, Maduravoyal Police Station,  
Maduravoyal.  
(PRC No.18 of 2017)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in connection with PRC No.18 of 2017 on the file of the respondent.

For Petitioner : Mr.R.Rafi Babu

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 01.10.2020 for the offence punishable under Section 302 IPC @ 120 (b), 364, 201, 109, 302 r/w 34 IPC, in PRC No.18 of 2017 in Crime No.898 of 2016 on the file of the learned Judicial Magistrate -II, Poonamallee, seeks bail.

2. It is a case of jumped bail. The petitioner is an accused No.1 in P.R.C.No.18 of 2017, pending on the file of the learned Judicial Magistrate-II, Poonamallee. It is a case of the year 2016, since the petitioner did not appear before the Court on 16.10.2018, the learned Judicial Magistrate had issued Nonailable Warrant (NBW) of arrest, pursuant to which, the petitioner was arrested and remanded to judicial custody on 01.10.2020.

3. The learned counsel appearing for the petitioner would submit that the petitioner was unable to appear before the Court on 16.10.2018 due to illness, thereby, the learned trial judge had issued NBW of arrest against him, pursuant to which, the petitioner was arrested on 01.10.2020 and he is in custody for more than 45 days, accordingly, he seeks for bail.

4. The learned Government Advocate (Crl. Side) would vehemently oppose stating that it is a jumped bail and the case is of the year 2016. The petitioner is A1 in this case, The petitioner did not appear before the Court on 16.10.2018, thereby, the learned Magistrate had issued NBW of arrest against him and the petitioner was arrested on 01.10.2020 with very great difficulty. He would further submit that the case is pending for committal and at this stage, if the bail is granted to the petitioner, there is every chance of him getting absconded and it would be difficult to commit the case. He would further submit that every accused is appearing other than the petitioner. Accordingly, prays for dismissal of the petition.

5. Taking into consideration of the fact that the petitioner was absconding for two years and that due to his absence, the case was not committed before the Court of sessions and the case is now pending committal and also considering the fact other accused are appearing regularly before the trial court and that the petitioner was absconding for 2 years, this Court is not inclined to grant bail to the petitioner.

6. This Criminal Original Petition stands dismissed accordingly for the present.

-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, CHENNAI

3 THE INSPECTOR OF POLICE,  
T4, MADURAVOYAL POLICE STATION,  
MADURAVOYAL.

CC to R.RAFI BABU Advocate on payment of necessary charges

CRL OP.20114/2020

Date :17/12/2020

GKS:28/12/2020