

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.12.2020

CORAM :

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

CRL.O.P.No.20381 of 2020

Joshva

... Petitioner

Vs.

State by

... Respondent

The Inspector of Police,
S-6 Sankar Nagar Police Station,
Chennai.

(Crime No.476 of 2011)

PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in connection with Crime No.476 of 2011 on the file of the respondent.

For Petitioner : Mr.S.Senthil Kumar

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

ORDER

(The cases have been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 15.03.2020 for the offence punishable under Sections 341, 294(b), 324, 506(ii) of IPC @ 307 of IPC @ 302 of IPC, in Crime No.476 of 2011 on the file of the respondent police, seeks bail.

2. It is a case of jumped bail. The petitioner, who is the second accused in SC.No.132 of 2012 on the file of the learned Additional District Judge, Chengalpattu, did not appear before the Court on 26.06.2018 and thereby, the learned Trial Judge had issued a Non Bailable Warrant (NBW) of arrest against him, pursuant to which, the petitioner was arrested on 15.03.2020.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and that due to illness, he was unable to appear before the Court on 26.08.2020 and thereby, the learned Trial Judge issued Non Bailable Warrant of arrest against him, pursuant to which, he was arrested on 15.03.2020 and he is in custody for more than 7 months.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would vehemently oppose stating that it is the case of the year 2011 registered in Crime No.476 of 2011 for the offence under Sections 341, 294(b), 324, 506(ii) of IPC @ 307 of IPC @ 302 of IPC. He would submit that since the petitioner did not appear before the Court on 26.06.2018, the learned Trial Judge was pleased to issue Non Bailable Warrant of arrest against him, pursuant to which, the petitioner was arrested on 15.03.2020 with great difficulty. He would further submit that there are totally 18 witnesses in this case and that the majority of the witnesses have been examined and the case remains posted for examination of the Investigation Officer on 21.12.2020 i.e., today. He would submit that the respondents, after great difficulty, were able to secure the petitioner after two years and at this stage, if the petitioner is let out on bail, there are every chances of him getting absconded again and thereby, derailing the progress of trial. He would reiterate that it is the case of the year 2011 and the petitioner was absconding for about two years, due to which, the trial could not proceed further and prays for dismissal of the petition.

5. Taking into consideration of the fact that the petitioner had absconded for about two years and the stage of trial, this Court is not inclined to grant bail to the petitioner.

6. This Criminal Original Petition stands dismissed accordingly.

-sd/-
21/12/2020

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.

WEB COPY

TO

1 THE INSPECTOR OF POLICE,
S-6 SANKAR NAGAR POLICE STATION,
CHENNAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

<https://hcservices.ecourts.gov.in/hcservices/>

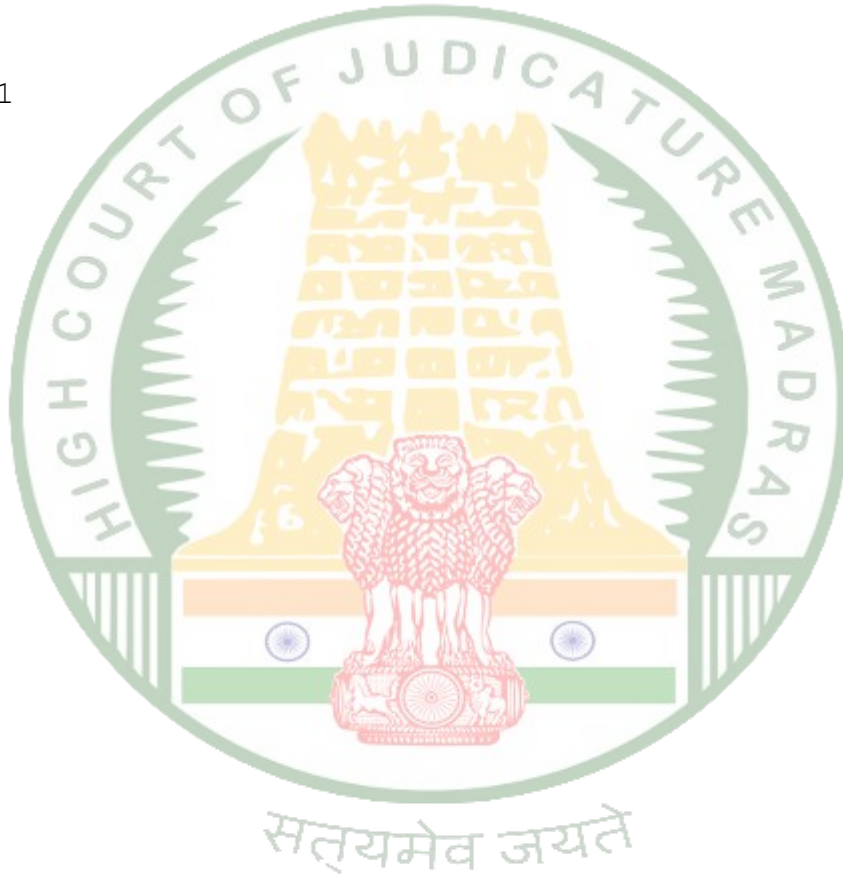
3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

+1 CC to S.SENTHIL KUMAR Advocate on payment of necessary
charges SR NO.8693

CRL OP.20381/2020

Date :21/12/2020

MN-04/01/2021



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