

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.20632 of 2020

Rasu @ Pottu rasu

... Petitioner

Vs.

State of Tamil Nadu
rep. by Inspector of Police,
Nallipalayam Police Station,
Namakkal District.
(Crime No.506 of 2001)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in connection with Crime No.506 of 2001 on the file of the respondent.

For Petitioner : Mr.G.Gokul

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 06.07.2020 for the offences punishable under Sections 449 read with Sections 34, 307 read with 34, 302 read with 34 & 397 read with 34 of IPC in Crime No.506 of 2001, on the file of the respondent police, seeks bail.

2.It is a case of jumped bail. The petitioner is arrayed as 3rd accused in this case and facing trial in S.C.No.132 of 2018 along with six other accused. Since, the petitioner did not appear before the Court on 27.01.2020, the learned Magistrate had issued an NBW of arrest, pursuant to which, the petitioner was arrested on 06.07.2020.

3.The learned counsel for the petitioner would submit that due to illness, the petitioner was unable to appear before the Court on 27.01.2020, thereby, NBW was issued against the petitioner, pursuant to which, the petitioner was arrested on 06.07.2020. hence, he seeks for grant of bail.

4.The learned Government Advocate (Crl. Side) would vehemently oppose stating that it is a case of the year 2001, registered in Crime No.506 of 2001. He would further submit that there are seven accused in this case and the accused were taking turns in absenting themselves one after another. The case has been committed to the Court of Sessions in S.C.No.132 of 2018 on the file of the Additional District Judge, Namakkal, after great difficulty. He would further submit that one of the accused in this case has been absconding and thereby, the case against him has been split up in SC.No.18 of 2018. He would further submit that the case is now at the fag end of trial and that there are totally 19 witnesses in this case, out of which, 15 witnesses have been examined so far. The case now stands posted on 13.01.2020 for examination of the remaining witnesses and that a direction shall be issued to the trial judge to complete the trial at the earliest. He would further submit at this stage if the bail is granted to the petitioner, there is every chance of him getting absconded once again and derail the progress of the trial. He would further submit that the petitioner has got 4 previous cases viz. Crime No.178 of 2018 registered by the Nilakottai Police Station, for the offences under section 392 IPC, another case is registered by the Virudhunagar West Police Station in Crime No.267 of 2019 for the offences under section 379 IPC, another case is registered Madurai Subramaniapuram Police Station, in Crime No.473 of 2013, for the offences under section 120(b), 203, 381, 394, 395 IPC, another case is registered by the Viluppuram Thirunavalur Police Station in Crime No.317 of 2008 for the offences under section 379 IPC and another case is registered by the Viluppuram Thirunavalur Police Station in crime No.174 of 2007 for the offence under section 379 IPC.

5.Taking into consideration of the facts and submissions made by the learned Government Advocate, this court is not inclined to grant bail to the petitioner. However, a direction is issued to the learned Additional District Judge, Namakkal District to complete the trial in S.C.No 132 of 2018 and deliver judgment as expeditiously as possible, preferably, within the period of three months from the date of receipt of a copy of this order.

6.With the above direction, this criminal original petition stands dismissed.

-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 ADDITIONAL DISTRICT JUDGE,
NAMAKKAL DISTRICT.

2 THE SUPERINTENDENT,
COIMBATORE CENTRAL.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

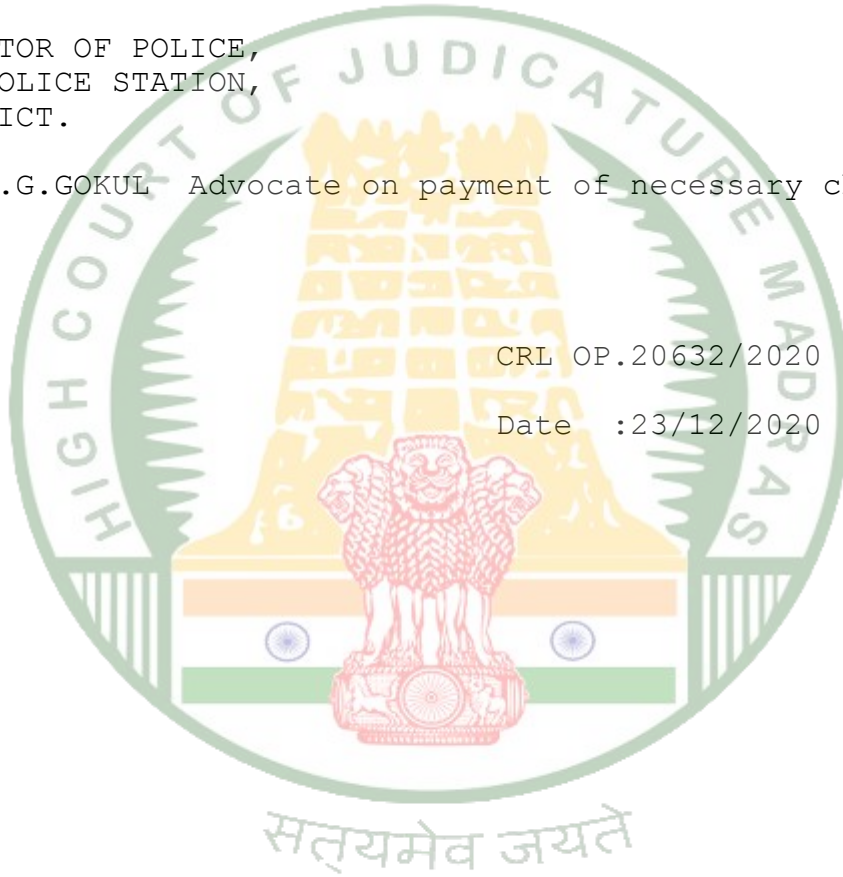
4 THE INSPECTOR OF POLICE,
NALLIPALAYAM POLICE STATION,
NAMAKKAL DISTRICT.

CC to M/S.G.GOKUL Advocate on payment of necessary charges

CRL OP.20632/2020

Date :23/12/2020

cs 11/01/2021



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