

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.723 of 2021

Sheik Abdul Kadher

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
Mahalingapuram Police Station,
Pollachi, Coimbatore District.
(Crime No.476 of 2010)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.476 of 2010 in SC No.335 of 2012 pending on the file of the Subordinate Court, Pollachi.

For Petitioner : Mr. B. Mohan

For Respondent : Mrs.M. Prabavathy, (APP)

O R D E R

(The case has been heard through video conference)

The petitioner was arrested and remanded to judicial custody on 23.07.2020 for the offence punishable under Section 395 IPC in Crime No.476 of 2010 and seeks bail.

2. It is a case of jumped bail. The petitioner, who is the accused, is facing trial in SC.No.335 of 2012 on the file of the learned Subordinate Judge, Pollachi. The occurrence had taken place in the year 2010. Earlier, the petitioner came out on bail and subsequently, the petitioner failed to appear before the Court on 05.08.2019 and thereby, the learned Trial Judge had issued a Non Bailable Warrant (NBW) against him. Since the petitioner was arrested and remanded to judicial custody on 23.07.2020 in Crime No.718 of 2020, the petitioner was arrested in PT Warrant on 13.08.2020.

3.The learned counsel for the petitioner would submit that he was unable to appear before the Court on 05.08.2019 and thereby, the learned Trial Judge issued Non Bailable Warrant of arrest against him, pursuant to which, he was arrested on 13.08.2020 through PT Warrant.

4.The learned Additional Public Prosecutor appearing for the respondent would vehemently oppose stating that the petitioner is a habitual offender, against whom there are three previous cases pending. She would submit that since the petitioner did not appear before the Court on 05.08.2019, the learned Trial Judge was pleased to issue Non Bailable Warrant of arrest against him, pursuant to which, the petitioner was arrested on 13.08.2020 through PT warrant. She would submit that if the petitioner let out on bail, there are every chances of him getting absconded again and thereby, derailing the progress of trial.

5.Taking into consideration of the facts and circumstances and the fact that the petitioner has three previous cases, similar in nature, this Court is not inclined to grant bail to the petitioner.

6. This Criminal Original Petition stands dismissed accordingly.

-sd/-
21/01/2021

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 SUBORDINATE COURT,
POLLACHI.

2.THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3.THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

4.THE INSPECTOR OF POLICE,
MAHALINGAPURAM POLICE STATION,
POLLACHI,
COIMBATORE DIST.

CC to M/S.B.MOHAN Advocate on payment of necessary charges

CRL OP.723/2021

Date :21/01/2021

KSM05/02/2021