

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P.No.1325 of 2021

Anbu @ Anbazhagan
S/o.Gopal

... Petitioner/Accused

Vs.

The State rep by
The Inspector of Police,
Uthukottai Police Station,
Tiruvallur.
(Crime No.420 of 2018)

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C., to enlarge the petitioner on bail pending trial in PRC.No.2 of 2019 before the learned Judicial Magistrate Court at Uthukottai.

For Petitioner : Mr.S.Sugendran

For Respondent : Mr.C.Iyyappa Raj,
Additional Public Prosecutor

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ORDER

(This case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 20.07.2020 for the offences punishable under Sections 147, 148, 342, 302, 201, 120(b) r/w 149 of IPC in Crime No.420 of 2018 on the file of the respondent police, seeks bail.

2. It is the case of jumped bail. The petitioner, who is an accused in PRC No.2 of 2019 pending on the file of the learned Judicial Magistrate, Uthukottai, did not appear before the Court and thereby, Non Bailable Warrant had been issued on 06.09.2019, pursuant to which, the petitioner was arrested and remanded to judicial custody on 20.07.2020.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would submit that without any summons being issued to him, the petitioner was arrested and remanded to judicial custody. He would submit that this is the second application for bail and the earlier application was dismissed by this Court in Crl.O.P.No.17672 of 2020 by order dated 10.11.2020 and the petitioner has been in custody for more than seven months. Hence, he prays for grant of bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that it is the case registered in Crime No.420 of 2018 for the offence under Section 302 of IPC. He would submit that the petitioner was initially granted bail and thereafter, he did not appear before the Court and that he is also involved in 12 previous cases. Since the petitioner was evading summons, the committal Court had issued warrant on 06.09.2019 pursuant to which, the petitioner was arrested on 20.07.2020 after a great difficulty. He would further submit that subsequent to the involvement in this case and subsequent to the issuance of NBW on 06.09.2019, the petitioner has got himself involved in Crime No.810 of 2020 registered by Adambakkam Police Station for offence under Sections 341, 294(b), 392, 307 and 397 of IPC and when he was in custody in Crime No.810 of 2020 registered by the Adambakkam Police, he was produced on P.T. Warrant before this Court. This Court taking into consideration the antecedents of the petitioner that the petitioner has got 12 previous cases and he was involved in a subsequent case for offence under Section 307 and 397 IPC, had dismissed the earlier application and that there is no change in circumstances. He would further submit that there are totally 12 accused in this case and the petitioner is arrayed as A8 and NBW is also pending against the other accused. He would submit that it is the case of the year 2018 and due to the absconding of the

accused, the committal Court is unable commit the case to the Court of Sessions for trial. Hence, he vehemently opposed for grant of bail to the petitioner.

5. Taking into consideration the facts and circumstances of the case and the fact that the petitioner is a habitual offender against whom there are 12 cases pending and that the petitioner had been evading arrest and he has been arrested through PT warrant on execution NBW and that there is no change in circumstance, this Court is not inclined to grant bail. Accordingly, this Criminal Original Petition is dismissed.

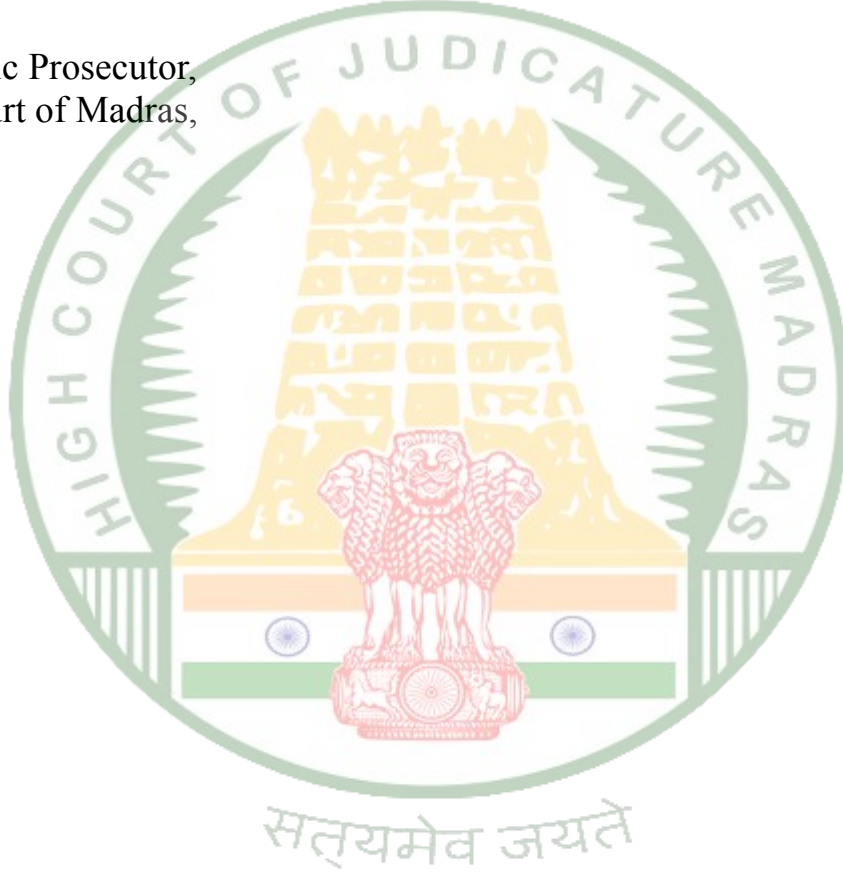
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To

1. The Inspector of Police,
Uthukottai Police Station,
Tiruvallur.
2. Judicial Magistrate Court,
Uthukottai.
3. The Public Prosecutor,
High Court of Madras,
Chennai.



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A.D.JAGADISH CHANDIRA,J.

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