

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.1736 of 2021

1.Suresh @ Karuka Suresh
2.Rajathi @ Elamparuthi

... Petitioners

Vs.

State represented by
The Inspector of Police,
P-1, Pulianthope Police Station,
Chennai.
(Crime No.445 of 2011)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail connection with SC.No.155 of 2020 in Crime No.445 of 2011 on the file of the respondent police.

For Petitioners : Mr.Mohammed Aasif

For Respondent : Mr.M. Prabhavathi,
APP

O R D E R

(The case has been heard through video conference)

The petitioners, who were arrested and remanded to judicial custody on 13.11.2020 for the offence punishable under Section 399 of IPC, in SC.No.155 of 2020 on the file of the XVII Additional Sessions Court, Chennai, seek bail.

2. It is a case of jumped bail. The petitioners, who are A2 and A3 in SC.No.155 of 2020 on the file of the learned Sessions Judge, XVII Additional Sessions Court, Chennai. The occurrence had taken place in the year 2011 and earlier, the petitioners came out on bail. Subsequently, the petitioners, after obtaining bail, failed to appear before the Court on 24.10.2018 and thereby, the learned Trial Judge had issued a Non Bailable Warrant (NBW) of arrest against them, pursuant to which, the petitioners were arrested on 13.11.2020.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and that due to illness, they were unable to appear before the Court on 24.10.2018 and thereby, the learned Trial

Judge issued Non Bailable Warrant of arrest against them, pursuant to which, they were arrested on 13.11.2020 and they are in custody for more than 75 days.

4.The learned Additional Public Prosecutor appearing for the respondent would vehemently oppose stating that the petitioners are notorious rowdy elements, against whom there are 49 previous cases. She would submit that since the petitioners did not appear before the Court on 24.10.2018, the learned Trial Judge was pleased to issue Non Bailable Warrant of arrest against them, pursuant to which, the petitioners were arrested on 13.11.2020 with great difficulty. She would submit that the respondents, after great difficulty, were able to secure the petitioners and at this stage, if the petitioners let out on bail, there are every chances of them getting absconded again and thereby, derailing the progress of trial.

5.Taking into consideration of the fact that the petitioners are notorious rowdy elements and numerous number of criminal cases are pending against them, and if they will release on bail, they will definitely abscond and hence, this Court is not inclined to grant bail to the petitioners.

6. This Criminal Original Petition stands dismissed accordingly.

-sd/-

05/02/2021

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 INSPECTOR OF POLICE,
P-1, PULIANTHOPE POLICE STATION, CHENNAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE SUPERINTENDENT,
CENTRAL PRISON,PUZHAL.

CC to M/S.MOHAMMED AASIF Advocate on payment of necessary charges

CRL OP.1736/2021

Date :05/02/2021

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