

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.1730 of 2021

Rajathi @ Elamparuthi

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
P-1 Pulianthope Police Station,
Chennai.
(Crime No.373/2012)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail connection with SC.No.154 of 2020 in Crime No.373 of 2012, on the file of respondent police.

For Petitioner : Mr. Mohammed Aasif

For Respondent : Mr.M. Prabhavathi,
APP

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 13.11.2020 for the offence punishable under Sections 341, 323, 324, 307 and 506(ii) @ 341, 323, 307 & 506(ii) r/w. 34 of IPC, in SC.No.154 of 2020 on the file of the learned Sessions Judge, XVII Additional Sessions Court, Chennai, seeks bail.

2. It is a case of jumped bail. The petitioner, who is the main accused in SC.No.154 of 2020 on the file of the learned Sessions Judge, XVII Additional Sessions Court, Chennai. The occurrence had taken place in the year 2012 and earlier, the petitioner came out on bail. Subsequently, the petitioner, 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 him, pursuant to which, the petitioner was arrested on 13.11.2020.

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 24.10.2018 and thereby, the learned Trial Judge issued Non Bailable Warrant of arrest against him, pursuant to which, he was arrested on 13.11.2020 and he is in custody for more

than 75 days.

4.The learned Additional Public Prosecutor appearing for the respondent would vehemently oppose stating that the petitioner is a notorious rowdy element, against whom there are 31 previous cases. She would submit that since the petitioner did not appear before the Court on 24.10.2018, the learned Trial Judge was pleased to issue Non Bailable Warrant of arrest against him, pursuant to which, the petitioner was arrested on 13.11.2020 with great difficulty. She would submit that the respondents, after great difficulty, were able to secure the petitioner and at this stage, 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 fact that the petitioner is notorious rowdy element and having 31 previous cases, this Court is not inclined to grant bail to the petitioner.

6. This Criminal Original Petition stands dismissed accordingly.

-sd/-

04/02/2021

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, PUZHAI.

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

CRL OP.1730/2021

Date :04/02/2021

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