

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2021

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.2697 of 2021

Karthick Prakash @ Ondiveeran ... Petitioner/2nd Accused
Vs.

The State represented by, ... Respondent/ Complainant
The Inspector of Police,
Avinashipalayam Police Station,
Tiruppur District.
Crime No.136 of 2016

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C.
to enlarge the petitioner on bail pending trial in S.C.No.108 of
2018 on the file of the file of the Principal Sessions Judge,
Tiruppur.

For Petitioner : Mr.S.P.Meenakshi Sundharam

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

ORDER

The petitioner who was arrested and remanded to judicial custody on 09.06.2020 for the offences punishable under Sections 457, 395, 397 of IPC in S.C.No. 108 of 2018 on the file of the learned Principal Sessions Judge, Tiruppur, in Crime No.136 of 2016 on the file of the respondent police, seeks bail.

2. It is a case of jumped bail. The petitioner is arrayed as second accused and facing trial in S.C.No.108 of 2018 on the file of the learned Principal Sessions Judge, Tiruppur, for the offences under Sections 457, 395, 397 of IPC. Since, the petitioner did not appear before the Trial Court on 08.01.2020, the learned Judge had issued Non-bailable warrant of arrest against the petitioner pursuant to the which, the petitioner has been arrested on 09.06.2020.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would submit that this is the third application for bail and consequent to the arrest on 09.06.2020, the petitioner is languishing in jail for the past eight months. Hence, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would vehemently oppose stating that the petitioner is a habitual offender, against him there are several cases pending before various Districts of Tamil Nadu. He had also enclosed the list of previous cases against the petitioner which are detailed below:

S.No	Crime No.	Offences U/s	Stage
1	Cr.No.136 of 2016 Avinasipalayam P.S.	Sec. 395, 397, 457 IPC	P.T.
2	Cr.No.47 of 2015 Bodinayakanur P.S.	Sec. 114, 397 IPC	P.T.
3	Cr.No.177 of 2017 Thalaivasal	392, 397 IPC	N.T.F.
4	Cr.No.307 of 2017 Thiyadurugam P.S.	Sec.120B, 392, 397, 457 IPC	P.T.
5	Cr.No.41 of 2018 Modakkurichi P.S.	457, 380 IPC	P.T.
6	Cr.No.239 of 2018 Modakkurichi P.S.	392, 506(ii) IPC	P.T.
7	Cr.No.613 of 2016 Bodinayakanur P.S.	294(b), 326, 506(ii) of IPC	

The learned Additional Public Prosecutor would further submit that this Court taking into consideration that the petitioner is involved in seven cases of robbery and theft, had dismissed the earlier application. He would further submit that the present case is of the year 2016 and there are six accused in this case and that the petitioner is ranked as A2. The respondent after completion of investigation have filed the final report and the case has been taken up for trial in S.C.No.108 of 2018 on the file of the learned Principal Sessions Judge, Tiruppur. He would submit that except A1 and A6, the other accused were absconding and thereby, the trial Court had issued Non-Bailable Warrant on 18.09.2019 pursuant to which, the petitioner was arrested on 09.06.2020. He would further submit that A1 and A6 have been regularly appearing and the Non-Bailable Warrant is pending against A3 to A5 and that the respondent police have been taking steps to secure them. At this juncture if bail is granted, there is every possibility of the petitioner absconding once again and there would be further delay in the trial progress. He would further submit that the respondent undertakes to execute the warrant in respect of the other accused at the earliest and he would reiterate that after the earlier dismissal, there is no change in circumstances.

5. This Court taking into consideration the abscondance of the petitioner and the fact that he is a habitual offender and

involved in seven cases pending before various police stations in various Districts across Tamil Nadu, had dismissed the earlier application for bail and that there is no change in circumstances. Therefore, this Court is not inclined to grant bail to the petitioner for the present. Accordingly, this Criminal Original Petition stands dismissed.

-sd/-
17/02/2021

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 PRINCIPAL SESSIONS JUDGE,
TIRUPPUR.

2 THE INSPECTOR OF POLICE,
AVINASHIPALAYAM POLICE STATION,
TIRUPPUR DISTRICT.

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

+1 CC to M/S.S.P.MEENAKSHI SUNDHARAM Advocate on payment of necessary charges SR NO. 1811

WEB COPY

CRL OP.2697/2021

Date :17/02/2021

MN-19/02/2021