

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.2390 of 2021

Mohan

... Petitioner

Vs.

State Rep by its
The Inspector of Police,
Mathur Police Station,
Krishnagiri District.
Cr.No.123/1988

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail as against the Non-Bailable Warrant dated 05.10.2020 issued in PRC.No.3 of 2000 on the file of the District Munsif cum Judicial Magistrate, Pochampalli in Crime No.123/1988 for the offence punishable under section 397 IPC on the file of the respondent police.

For Petitioner : M/s.Dass and Viswa Associates

For Respondent : Mrs.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 05.10.2020 for the offence punishable under Section 397 of IPC, in PRC.No.3 of 2020 on the file of the District Munsif cum Judicial Magistrate, Poochampalli in Crime No.123 of 1988, seeks bail.

2. It is a case of jumped bail. The petitioner is the main accused in PRC No.3 of 2000 on the file of the learned District Munsif cum Judicial Magistrate, Poochampalli. The occurrence had taken place in the year 1988 and earlier, since the petitioner failed to appear before the committal Court, NBW has been issued against him on two occasions and thereafter it was recalled. Once again the petitioner failed to appear before the Court on 05.10.2020, and thereby, the learned committal Judge had issued a Non Bailable Warrant (NBW) of arrest against him, pursuant to which, the petitioner was arrested on 05.10.2020.

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 05.10.2020 and thereby, the learned Trial Judge issued Non Bailable Warrant of arrest against him, pursuant to which, he was arrested on 05.10.2020 and he is in custody for more than 4 months.

4.The learned Additional Public Prosecutor appearing for the respondent would vehemently oppose stating that earlier on two occasions NBW was issued against the petitioner and it was recalled. Thereafter, since the petitioner did not appear before the Court on 05.10.2020, the learned Committal Judge was pleased to issue Non Bailable Warrant of arrest against him, pursuant to which, the petitioner was arrested on 05.10.2020 with great difficulty. She would submit that the case against the other accused persons was split up and after trial, they were acquitted. The respondent police, after great difficulty, were able to secure the petitioner and at this stage, if the petitioner is 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 was absconding for a long time and NBW was also issued on three occasions, this Court is not inclined to grant bail to the petitioner.

6. This Criminal Original Petition stands dismissed accordingly.

-sd/-
25/02/2021

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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
POOCHAMPALLI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
MATHUR POLICE STATION,
KRISHNAGIRI DISTRICT.

+1CC to M/S.DASS AND VISWA ASSOCIATES Advocate on payment of
necessary charges SR NO.2445

CRL OP.2390/2021

Date :25/02/2021

MK:12/03/2021



WEB COPY