

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.02.2021

CORAM :

THE HON'BLE Mr. JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P.No.3315 of 2021

Yuvaraj

... Petitioner

Vs.

State rep by
The Inspector of Police,
P3 Vyasarpadi Police Station
Chennai
(Crime No.16 of 2013)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail pending in P.R.C.No.27 of 2020 on the file of the X M.M. Egmore Court.

For Petitioner : Mr.V.Dinesh Kumar

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

O R D E R

(The cases have been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 16.07.2020 for the offences punishable under Sections 147, 148, 341, 302 and 506(ii) read with 149 of IPC, in Crime No.16 of 2013 on the file of the respondent police, seeks bail.

2.It is a case of jumped bail. The petitioner was arrested on 16.07.2020 on execution of Non Bailable Warrant issued against him on 25.09.2017.

3.The learned counsel for the petitioner would submit that this is the second application for bail and he earlier application in Crl.O.P.No.18075 of 2020 was dismissed by this Court by order dated 10.12.2020. He would submit that pursuant to the warrant, the petitioner was arrested on 16.07.2020 and is in custody for more than six months. Hence, he prays for grant of bail.

4.The learned Additional Public Prosecutor would submit that it is the case of the year 2013 and it is a case of jumped bail. The petitioner did not appear before the Court on 25.09.2017 and thereby, the committal Magistrate had issued NBW against the petitioner pursuant to which, the petitioner was arrested on 16.07.2020. He would submit that the petitioner has also got two previous cases, one is registered in Crime No.17 of 2013 and another case is registered in Crime No.278 of 2018 and this Court finding that the charges were not framed yet, had dismissed he earlier petition and there is no progress in the case and that there is no change of circumstances. He would further submit that the case stands posted on 25.02.2020 for committal. Hence, he would vehemently opposed for grant of bail.

5. At this juncture, the learned Counsel for the petitioner would submit that since, there is some discrepancy in the death certificate of A4/Danush, the learned Magistrate is unable to commit the case to the Court of Sessions.

6. Taking into consideration the fact that the petitioner was absconding from 25.09.2017 and he was arrested only on 16.07.2020, this Court had dismissed the earlier application in CrI.O.P.No.18075 of 2020 by order dated 10.12.2020 and there is no change in circumstances after the dismissal of the earlier application. Therefore, this Court is not inclined to grant bail to the petitioner.

7. A direction is issued to the respondent police to furnish the correct death certificate of A5 to the concerned Magistrate and see to that, the case is committed to the Court of Sessions at the earliest.

8. Accordingly, this Criminal Original Petition is dismissed.

-sd/-

22/02/2021

This order, on being produced, be punctually observed and carried into execution by all concerned सत्यमेव जयते

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 X METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI.[FOR INFORMATION]

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
P3, VYSARPADI POLICE STATION,
CHENNAI. CR.NO.16 OF 2013.

5 THE SUPERINTENDENT,
CENTRAL PRISON,PUZHAI 2, CHENNAI.

CC to M/S.V.DINESH KUMAR Advocate on payment of necessary charges

CRL OP.3315/2021

Date :22/02/2021

EP-01/03/2021



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