

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.04.2021

CORAM

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

Crl. O.P. No. 6948 of 2021

Mr. V.Saravanan ... Petitioner/Accused

-VS-

State Rep. by
The Inspector of Police,
F-5, Choolaimedu Police Station,
Chennai District. ... Respondent/Complainant

Prayer:- Criminal Original Petition filed under Section 439 of the Code of Criminal Procedure, 1973, praying to enlarge the Petitioner on bail in Crime No. 505 of 2015 pending on the file of the Respondent Police.

For Petitioner : Mr. A.Manojkumar

For Respondent : Ms. P.Kritika Kamal,
Government Advocate (Criminal Side)

ORDER

(The case has been heard through video conference)

The Petitioner, who was arrested and remanded to judicial custody on 29.11.2019 for the offence punishable under Sections 341, 324, 302, 506(ii) read with 34 of the Indian Penal Code, 1860, in Crime No. 505 of 2015, seeks bail.

2. The Learned Counsel for the Petitioner would submit that the Petitioner was arrested on 29.11.2019 pursuant to the Non Bailable Warrant issued on 06.03.2016. He would further submit that this is the third application for bail and the earlier applications were dismissed on 07.09.2020 and 07.01.2021. He would further submit that the Petitioner's father is suffering from stomach ailment. Further, the Petitioner is in custody for more than 500 days. Hence, he seeks for grant of bail.

3. The Learned Government Advocate (Criminal Side) appearing for the Respondent would vehemently oppose stating that the Petitioner is a habitual offender and has involved in seven previous cases out of which, five cases have been committed to the Court of Sessions and that the cases are for heinous offences under Sections 397 and 302 of the Indian Penal Code, 1860. She would further submit that this Court taking into consideration that the Petitioner had been absconding for more than five years and the cases against him are heinous in nature, had dismissed the bail application twice, viz., one on 07.09.2020 and thereafter on 07.01.2021. She would further submit that if bail is granted at this stage, there is every possibility of the Petitioner absconding again. She would in the alternate submit that there are 26 witnesses in this case

and if a direction is issued, the Respondent will be able to produce the witness within the time frame to be specified by this Court and the Trial Court may be directed to complete the trial at the earliest. She would also submit that the case stands posted on 17.05.2021 before the Learned V Additional City Civil and Sessions Court, Chennai for framing charges.

4. Heard the Learned Counsels and perused the earlier dismissals orders dated 07.09.2020 and 07.01.2021.

5. Taking into consideration the fact that the Petitioner is a habitual offender against whom there are seven previous cases out of which, five cases are heinous in nature and that the Petitioner had been absconding for more than five years and this Court had earlier dismissed the bail application twice and that there is no change of circumstances, this Court is not inclined to grant bail. However, a direction is issued to the Learned V Additional Sessions Judge, Chennai to complete the trial in S.C. No. 195 of 2015 within a period of six months from 17.05.2021.

6. With this observation, this Criminal Original Petition stands dismissed.

19.04.2021

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Index: Yes/No

Internet: Yes/No

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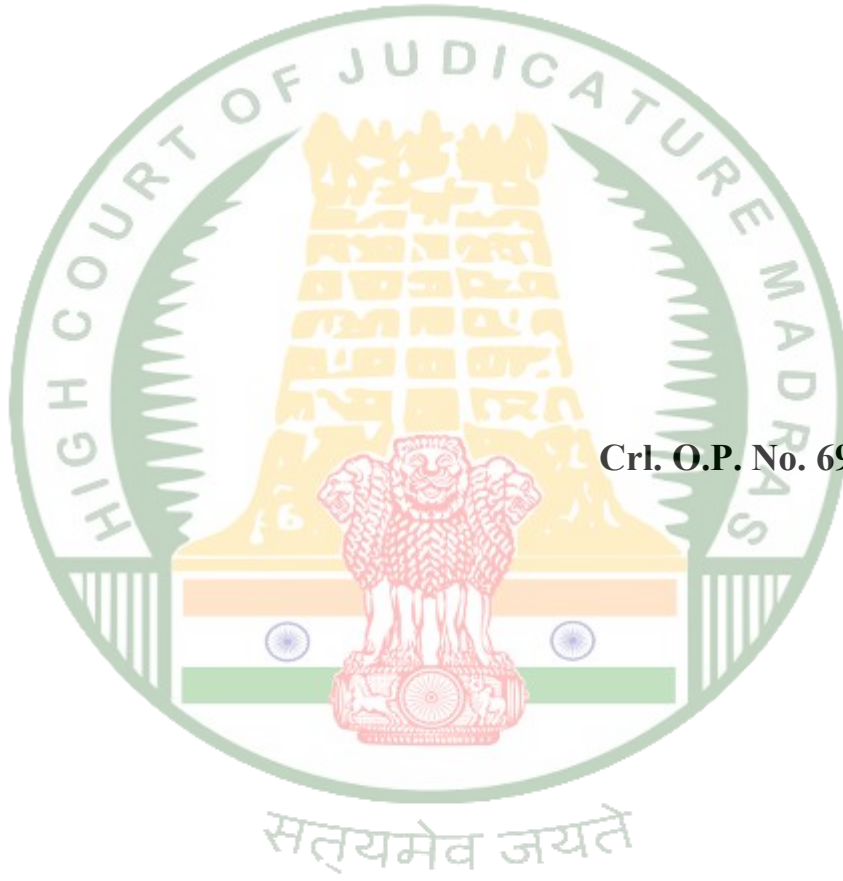
1. The Inspector of Police,
F-5, Choolaimedu Police Station,
Chennai District.
2. The Public Prosecutor,
Madras High Court,
Chennai - 600 104.



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A.D. JAGADISH CHANDIRA, J.

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