

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty First day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mrs Justice V.BHAVANI SUBBAROYAN

CRIMINAL ORIGINAL PETITION No.7405 of 2021

PREM @ PREM KUMAR

[PETITIONER / ACCUSED]

Vs

STATE REP BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
M-5 ENNORE POLICE STATION,
CHENNAI-600 057,
CR.NO.515/2009

For Petitioner : M/S.K.MANIKANDAN Advocate

For Respondent : M/S.M.PRABHAVATHI, Additional Public Prosecutor

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 02.02.2021 for the alleged offences punishable under Sections 341, 307 r/w 34 of IPC, pursuant to the NBW issued on 25.10.2016 by the Judicial Magistrate, Tiruvottiyur in P.R.C No.12 of 2010, seeks bail.

2. The petitioner is A1 in this case. Pending committal in P.R.C No.12 of 2010 on the file of the Judicial Magistrate, Tiruvottiyur, the petitioner did not appear before the committal Court on 25.10.2016 and hence, the learned Magistrate issued Nonailable Warrant against the petitioner and pursuant to which, he has been remanded to judicial custody on 02.02.2021. Hence, the petitioner has approached this Court seeking for bail.

3. The learned counsel for the petitioner would submit that the petitioner is not aware of the NBW issued against him and further, the summon was also not served to him. He has been in judicial custody since 02.02.2021. Therefore, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor vehemently opposed this petition stating that since the petitioner/A1 did not appear before the committal Court on 25.10.2016, the learned Magistrate issued NBW against the petitioner and the petitioner is absconding for more than 5 years and the case is of the year 2009. She would further submit that due to his absence, there is no progress in completing the proceedings in P.R.C No.12 of 2010.

6. Considering the facts and circumstances of the case and this case is of the year 2009 and that due to the absence of the petitioner, there is no progress in committing the case in P.R.C No.12 of 2010, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, this Criminal Original Petition is dismissed.

-sd/-

21/04/2021

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 JUDICIAL MAGISTRATE,
TIRUVOTTIYUR.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVALLUR DISTRICT. (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
M-5 ENNORE POLICE STATION,
CHENNAI-600 057.

4 THE PUBLIC PROSECUTOR
HIGH COURT, CHENNAI-104.

CC to M/S.K.MANIKANDAN Advocate on payment of necessary charges

CRL OP.7405/2021

Date :21/04/2021

rg.05.05.2021