

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.06.2021

CORAM

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

Crl. O.P. No. 7598 of 2021

Karthick Prakash @ Ondiveeran ... Petitioner/Accused-2

-VS-

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

Prayer:- Criminal Original Petition filed under Section 439 of the Code of Criminal Procedure, 1973, praying to enlarge the Petitioner on bail pending trial in S.C. No. 108 of 2018 on the file of the Principal Sessions Judge, Tiruppur.

For Petitioner : Mr. S.P.Meenakshisundaram

For Respondent : Mr. C.E.Pratap,
Counsel appearing for Government

ORDER
(The case has been heard through video conference)

The Petitioner, who was arrested and remanded to judicial custody on 09.06.2020 for the offences punishable under Sections 395, 397 and 457 of the Indian Penal Code, 1860, 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 the 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 395, 397 and 457 of the Indian Penal Code, 1860. 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 which, the Petitioner has been arrested on 09.06.2020 and remanded to custody.

3. The Learned Counsel for the Petitioner would submit that the Petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that this is the fourth application for bail and consequent to the arrest on 09.06.2020, the Petitioner is languishing in jail for the past one year. Hence, he prays for grant of bail to the Petitioner.

4. The Learned Counsel appearing for the Government would vehemently oppose stating that the Petitioner is a habitual offender and against him there are several cases pending before various Police Stations in various

Districts across 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 and 457 I.P.C.	P.T.
2	Cr. No. 47 of 2015 Bodinayakanur P.S.	Sec. 114 and 397 of I.P.C.	P.T.
3	Cr. No. 177 of 2017 Thalaivasal P.S.	Sec. 392 and 397 of I.P.C.	N.T.F.
4	Cr. No. 307 of 2017 Thiyadurugam P.S.	Sec. 120-B, 392, 397 and 457 of I.P.C.	P.T.
5	Cr. No. 41 of 2018 Modakkurichi P.S.	Sec. 457 and 380 of I.P.C.	P.T.
6	Cr. No. 239 of 2018 Modakkurichi P.S.	Sec. 392 and 596(ii) of I.P.C.	P.T.
7	Cr. No. 613 of 2016 Bodinayakanur P.S.	Sec. 294(b), 326 and 506(ii) of I.P.C.	

He 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 applications. 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. He would further submit that the Respondent after completion of investigation has 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 further submit that all the accused have now been arrested

and the Respondent is able to get along with the trial only after the arrest of all the accused, since some of them were absconding for a long time. He would further submit that there are totally 23 witnesses in this case and out of 23 witnesses, P.W. 1 to 11 have been examined and the other witnesses are yet to be examined and that the case is posted to 22.06.2021 for trial. He would further submit that at this stage, if the Petitioner is enlarged on bail, there is possibility of him absconding and thereby, derailing the progress of the trial. He would further submit that after the dismissal of the earlier applications, there is no change of circumstances.

5. Heard the Learned Counsels and perused the earlier dismissals orders dated 14.10.2020, 07.12.2020 and 17.02.2021.

6. Taking into consideration the abscondance of the Petitioner and the fact that he is a habitual offender involved in seven cases of robbery and theft and this Court had earlier dismissed the bail applications thrice and that there is no change of circumstances, this Court is not inclined to grant bail to the Petitioner.

7. Accordingly, this Criminal Original Petition stands dismissed.

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Index: Yes/No

Internet: Yes/No

To

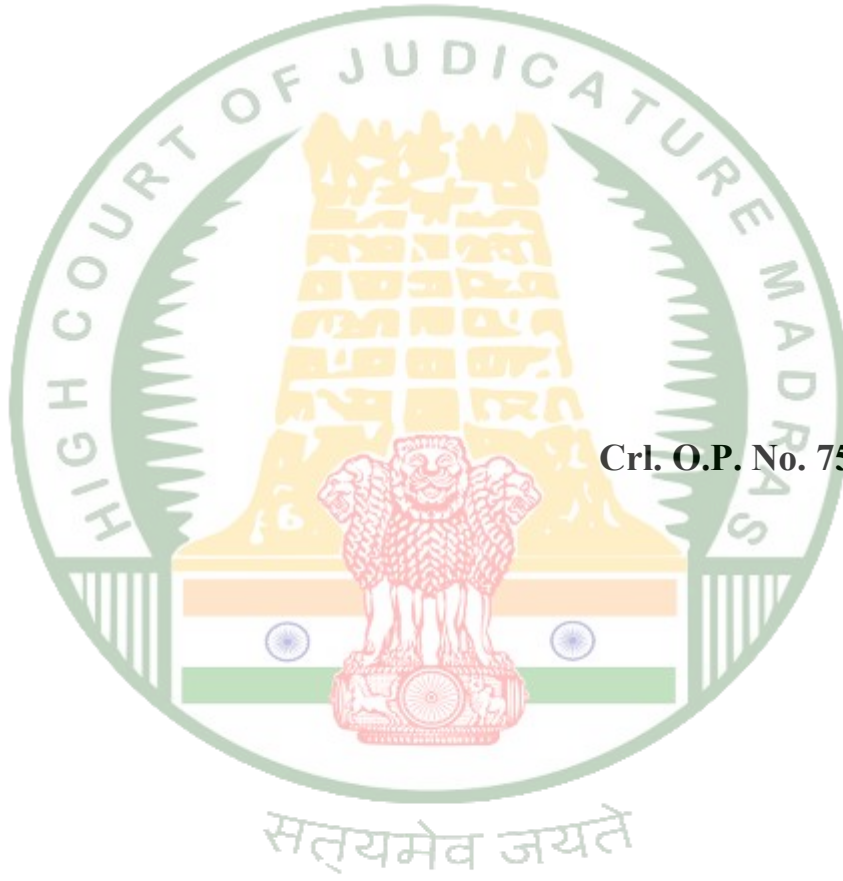
1. The Inspector of Police,
Avinashipalayam Police Station,
Tiruppur District.
2. The Principal Sessions Judge,
Tiruppur.
3. The Public Prosecutor,
Madras High Court,
Chennai - 600 104.



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A.D. JAGADISH CHANDIRA, J.

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